

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Constituency Committee**

**05 DECEMBER 2023**

**ZC23/02219/FUL – PROPOSED ADDITIONAL MOT AND SERVICE BUILDING TO SERVE EXISTING AUTO SERVICES BUSINESS INCLUDING REMOVAL OF EXISTING OVERFLOW CAR PARK AT GRAYSTON PLAIN FARM, GRAYSTON PLAIN LANE, FELLISCLIFFE, HG3 2LY ON BEHALF OF SIMON GRAEME AUTOS LTD**

**Report of the Corporate Director – Community Development Services**

**1.0 Purpose of the Report**

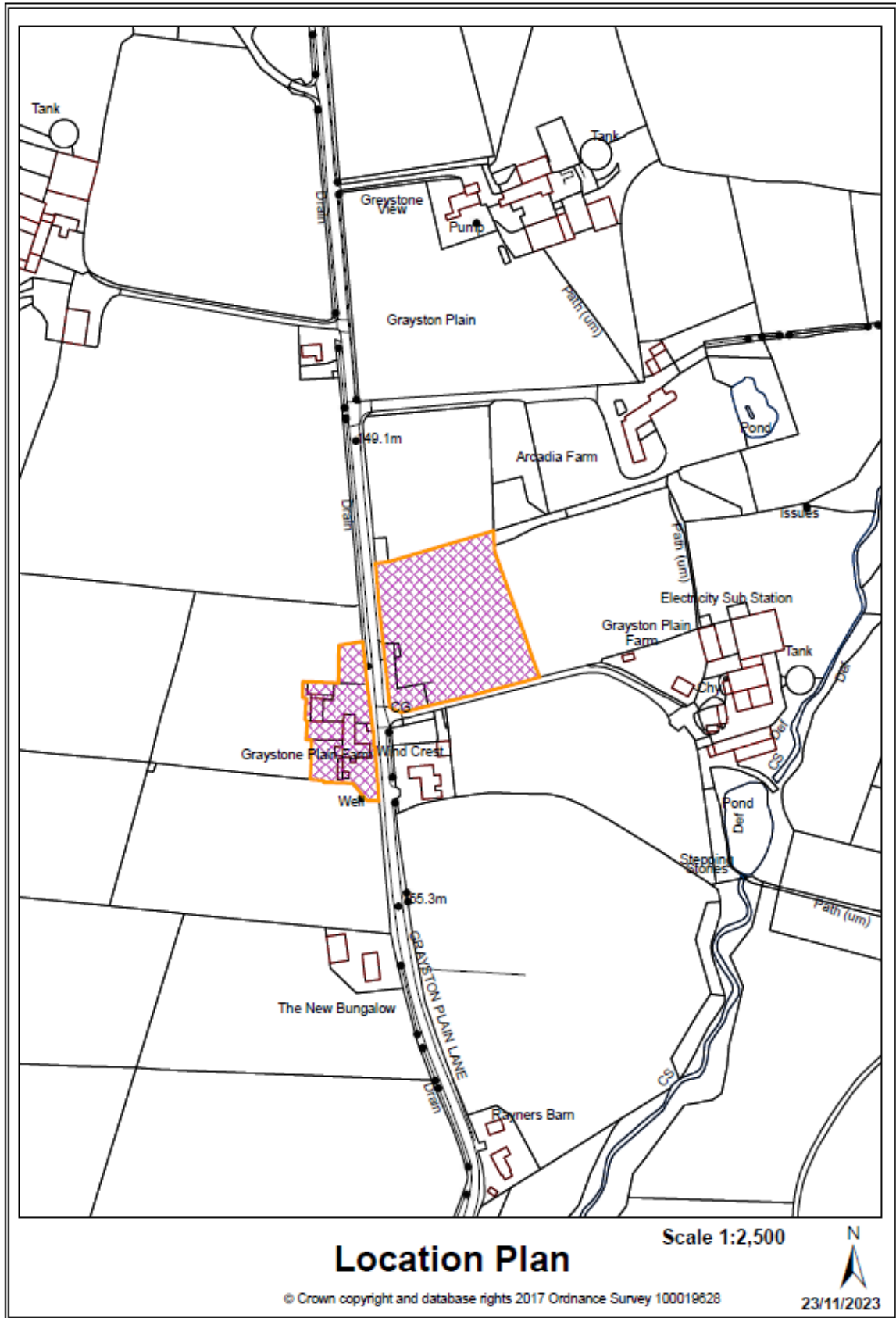
- 1.1 To determine a planning application for the erection of an additional MOT and Service Building to serve the existing Auto Services Business including the removal of the existing overflow car park on land at Grayston Plain Farm, Grayston Plain Lane, Felliscliffe, HG3 2LY.
- 1.2 This application was brought to the Area Planning Committee on 3<sup>rd</sup> October 2023 recommended for refusal and was deferred for the applicant to revise the landscaping scheme and provide additional information in relation to drainage and sustainability of design.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions**

- 2.1. This application seeks Full Planning Permission for the erection of an additional MOT and Service building, hardstanding and landscaping to be erected within an open field on the opposite side of the Grayston Plain Lane to the existing garage operation.
- 2.2. The site of the existing operation is located within the Nidderdale National Landscape (the new name for the Nidderdale Area of Outstanding Natural Beauty (AONB)). An area of hardstanding within the site is proposed to be returned to grassland. The proposed building would be located outside the AONB but immediately adjacent to it. Both sites are outside 'development limits' defined in the Local Plan.
- 2.3. The site is approximately 1.3 miles outside of Hampsthwaite (32 mins walk) and 3 miles (1 hr 10 min walk) from Harrogate. There is no public transport route that serves the site. A bus travels along the A59 but the nearest stop is approximately 32 mins walk away.
- 2.4. A previous scheme for the relocation of the entire operation to the application site was refused (case reference 22/04501/FUL).
- 2.5. It is considered that the proposal would have an economic benefit to the area and that following the revisions to the landscaping proposal and the provision of additional

information in relation to sustainability of design and waste that the proposal would meet the requirements of Local Plan Policy EC2 in relation to the expansion of an existing business in the countryside.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Pre-application advice on the development of the site was provided under pre-application enquiry case reference 21/02730/PREMIM. This raised an in principle objection and directed the applicant to relevant planning permissions in place for sites that may meet their needs.
- 3.3. There are 5 relevant planning applications for this application which are detailed below.

22/04501/FUL Proposed relocation of auto services business comprising new building with associated parking and landscaping together with demolition of existing MOT building and removal of car park. REFUSED 26.01.2023.

10/04681/FUL Retrospective change of use from agricultural land and retention of hardstanding for use as staff parking area in association with motor vehicle maintenance business and at other times for a livestock loading and unloading area. GRANTED 22.10.2010.

03/03154/FUL Change of use of agricultural building to form motor vehicle workshop. GRANTED 02.09.2003

00/03699/FUL Erection of building for use as motor vehicle service facility (Class B2). GRANTED 11.01.2001

96/00699/COU Change of Use of agricultural storage building to vehicular maintenance building. GRANTED 29.10.1997

### **4.0 Site and Surroundings**

- 4.1. The application site relates to the existing business premises situated at Grayston Plain Farm, which provides auto servicing and repair facilities, and a large open field situated to the northwest of the site across the highway – Grayston Plain Lane. The application site is approximately 0.5 ha in size, the existing operation covers 0.14ha.
- 4.2. Both sites are situated outside defined ‘development limits’ and are therefore considered to be located in open countryside for planning purposes. The existing business site occupies a number of sheds adjacent to the farmhouse, some of which were previously agricultural buildings and are located within the Nidderdale AONB.
- 4.3. The proposed site of the additional accommodation is located outside the Nidderdale AONB but adjoins the boundary with the designated landscape.
- 4.4. A small car park has been created within a small section of the open field, however, there is no evidence that planning permission has been obtained for the change of use or the hardstanding.

- 4.5. A domestic property exists immediately opposite the existing site and to the south of the proposed site. A small access runs along the south of the open field to provide access to this property and the farm beyond.
- 4.6. A public footpath runs to the east of the site beyond the site boundary.
- 4.7. The site is approximately 1.3 miles outside of Hampsthwaite (32 mins walk) and 3 miles (1 hr 10 min walk) from Harrogate. There is no public transport route that serves the site. A bus travels along the A59 but the nearest stop is approximately 32 mins walk away.

## **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for the erection of an additional MOT and Service building to be used in conjunction with the existing operation. The application site comprises of just over 0.5 ha and would include an upgraded access, parking for 13 no. cars plus additional hardstanding.
- 5.2. The building proposed is 565sqm in footprint with a volume of 4750m<sup>3</sup>. The building is 25.8m in length by 21.4m in width. The building stands 6.16m to the eaves and 10.72m to the ridge and provides 2 large MOT Bays plus 5 smaller bays at ground floor and a mezzanine teaching and observation area at first floor.
- 5.3. The proposal retains the existing enterprise on the original site and the customer reception. The proposal also includes the removal of an area of hardstanding presently used for overflow car parking on the existing site and its return to grassland.
- 5.4. The application is supported by a Landscape and Ecology Strategy; Landscape Visual Assessment; Transport Strategy, a planning statement and a statement from the applicant.
- 5.5. Following the deferral of the application from a previous committee meeting, the application is now supported by an updated landscape and ecology strategy and landscape plan; a revised site layout; updated elevational details including solar panels; additional sustainability information; drainage information and details of proposed materials.
- 5.6. A previous scheme for the relocation of the entire operation was refused under case reference 22/04501/FUL. The current scheme differs from the previous refusal as the previous proposal was to move the entire operation, which will now be split between the two sites. The building was slightly larger having a footprint of 753 sq m; the previous building was 32m in length but smaller in width at 20.8m. The proposal provided the same level of bays but also included a reception and store area. The building height remains the same as that previously proposed and there is a small reduction of 3 no. spaces in terms of hardstanding.
- 5.7. The previous application was refused for the following reasons:

1. *The application site is located within 'open countryside' in an area where development is only acceptable in line with Local Plan Policy GS3 where expressly permitted by either national or local policy. The proposed development is considered to be unsustainably located, with no demonstrated need for a rural location, and thus is contrary to Policies EC3 and GS3 of the Local Plan and undermines the District's growth strategy as set out in Local Plan Policy GS2.*
2. *By virtue of its scale and the introduction of built development into an open landscape the proposal is considered to create a significant level of landscape harm to both the open countryside and the views into and out of the Nidderdale AONB and would therefore be contrary to Local Plan Policies GS6, NE4 and EC3.*

## **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:

- Harrogate District Local Plan 2014-2035, adopted 4th March 2020
- 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
- National Design Guide 2021
- Landscape Character Assessment
- Nidderdale AONB Management Plan

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Does not object or support the application that seeks safeguards that the work is carried out in accordance with the submitted details.

- 7.3. **Economic Development:** Support the proposal to allow a local business to continue to operate and confirm that there is a lack of suitable alternative locations close by to the site.
- 7.4. **Environment Agency** – No comments received
- 7.5. **Environmental Health:** Recommend conditions in relation to noise; waste storage and unforeseen land contamination. In addition, in relation to the additional drainage information a condition is recommended to ensure that a trap system is used to ensure that any waste fuels and debris can be removed before access to the drainage system and the watercourse.
- 7.6. **Highways:** Recommend that the existing car parking is not removed until the new development is completed as there are 12 spaces in this overflow area which would be lost. Recommend conditions in relation to visibility; access arrangements; parking and turning and provision of a construction management plan for the site.
- 7.7. **Landscape Officer:** Following the submission of an amended landscaping scheme, the landscape officer has removed the landscape objection to the scheme, subject to a number of small amendments to the scheme which can be agreed via condition.
- 7.8. **Natural England:** Raise no objections but refer to the guidance with regards to protected landscapes – Nidderdale AONB.
- 7.9. **Yorkshire Water:** The proposal is not in an area served by any public sewerage network. The application should be referred to the Environment Agency and Environmental Health.

#### Local Representations

- 7.10. 55 local representations have been received in support. A summary of the comments is provided below, however, please see website for full comments.
- 7.11. Support:
- Refusal would lead to a loss of an important community facility
  - New build should be an evolving part of the landscape of the AONB
  - Proposal provides employment opportunities
  - Losing this facility or its relocation further away would increase travel for customers which would be inconvenient and would increase congestion.
  - Support rural businesses
  - There should be a balanced approach between the need to conserve the landscape and economics
  - The proposal is a similar design to an agricultural building
  - Protecting the landscape of the AONB should not be at the sacrifice to local businesses
  - Proposal meets Council policy
  - Electric charging would be a community benefit
  - Proposal is not in the AONB and would have no significant impact
- 7.12 Two letters of objection has been received from nearby residents on the following grounds:

- In respect of councillor Andrew Williams statement "Nidderdale AONB should be a place for people to live and work and not a museum for townies to visit on a weekend". We agree to this to a certain extent as there are five farms which have been worked for generations within half a mile of the proposed site and who use this narrow country lane on a daily basis all year round.... These vehicles have become larger over the decades and with all the extra vehicles generated with the already existing garage this narrow lane with no street lighting and footpaths is already very dangerous for anyone on foot.
- The impact of the proposal on so many people's traditional ways of working and lifestyle.

## **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 Landscape Character and the Nidderdale AONB
- Highways
- Drainage
- Residential Amenity
- Ecology
- Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. Paragraph 84 of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth, sustainable rural tourism which respect the character of the countryside and farm diversification schemes.
- 10.3. The application site comprises of an existing auto servicing business involving the change of use of two agricultural buildings on the site in 1999 and again in 2003, along with an additional building approved in 2000. Further parking and hardstanding was



approved retrospectively in 2010. The existing site provides 330 sq m of floorspace and 4 servicing bays. This section of the site is within the Nidderdale AONB.

- 10.4. The site for the proposed expansion is set across Grayston Plain Lane from the present operation in a large open field, which is located outside the AONB but abuts the boundary of the protected landscape designation.
- 10.5. Both parts of the site are outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.
- 10.6. Local Plan Policy EC2 supports the expansion of existing businesses in open countryside where it meets certain criteria:
  - A. There is a proven need for such development in terms of business opportunity or operational requirements;
  - B. The proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site;
  - C. The scale of development is appropriate in the proposed location;
  - D. There is no unacceptable impact on the character of the countryside, the surrounding landscape, the form and character of the settlement or biodiversity;
  - E. There is no unacceptable impact on the operation of the highway network;
  - F. There are no significant adverse impacts on residential amenity.
- 10.7. The planning statements sets out the need for the development in terms of allowing the existing business to expand to meet new business needs for larger vehicles and electric and hybrid vehicles, and this is supported by the Council's Economic Development Team.
- 10.8. The applicant's statement sets out that the business has a customer base of over 5,500. The planning statement continues that the majority of customers are located within the HG3 postcode (2231), however, this is less than half of the 5,500 customers set out in the applicant's statement. The planning statement shows that a further 1909 customers come from other Harrogate post codes. Evidence from the previously refused application 22/04501/FUL showed that some customers travel considerable distances from elsewhere in North and West Yorkshire to use the service.
- 10.9. The Council's Economic Development Team confirmed in their consultation response that there is a limited amount of suitable sites for the development in the local area.
- 10.10. Following on from this consultation response the case officer became aware of new units being available within the HG3 postcode (Pannal) (approximately 8 miles from the site). The applicant has verbally commented that these are logistically unsuitable as they do not believe that the client base would travel to this location and for their staff to travel to work. This is backed up by the Economic Development Team.
- 10.11. Since the previous report was brought before committee, a light industrial unit is also now available at Bardner Bank, less than 1 mile from the application site, however, the

applicant has stated that the owner of the site does not want a garage use on the site and that there is insufficient parking provision.

- 10.12. In addition, a large garage/warehouse building has recently been put on the market at Pateley Bridge, which was previously used for the sale and servicing of vehicles, however, the applicant states that this building is not large enough to provide the required operational space and the existing garage use has moved out to larger premises as this was too small for their needs.
- 10.13. The planning statement provides evidence of where the present staff are located which ranges from Summerbridge to Spofforth. Due to the fact that there is no public transport servicing the site then it is likely to expect that most staff already travel to work using a private vehicle.
- 10.14. Whilst it is accepted that there is an operational need for expansion, the need for the level of expansion proposed was originally queried. The existing site is 0.14ha and provides reception, offices and 4 no servicing bays. The proposal is to expand the site to include an additional 0.52 ha.
- 10.15. The proposed building will provide 5 bays plus 2 larger MOT bays. This is the same level of MOT and servicing accommodation as that within the previously refused application for the wholesale relocation of the enterprise despite the fact that they are retaining the 4 no. existing servicing bays on the existing site. It is understood that further bays are required for the larger vehicles and the growing number of electric and hybrid vehicles.
- 10.16. On the basis of the above it is considered that there is an operational need for expansion, which cannot be accommodated within the existing site, and there are presently no alternative sites available that could meet this need. The proposal is therefore considered to comply with Criterion A and B of Local Plan Policy EC2.
- 10.17. As set down further in this report it is also considered that Criterion E and F can be met, and that following amendments to the proposed landscaping scheme the proposal can now meet Criterion C and D of Local Plan Policy EC2.
- 10.18. On the basis of the above, the proposal is considered to be in accordance with Local Plan Policy EC2.
- 10.19. The two sites are not tied together with the exception of the reception facilities and therefore could operate independently and would require a condition to ensure that the two operations remained tied together, to ensure that a new enterprise is not created on the site.
- 10.20. It is recommended that the operating hours of the business are conditioned to remain the same as those of the existing enterprise under planning approval 21/04289/COU.
- 10.21. *Economic and Social Benefits*

- 10.22. The NPPF states that there is a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.23. The proposal is for an expansion to an existing rural business which presently provides employment for 11 persons and would provide an additional 5 no. employment opportunities once the expansion was completed.
- 10.24. The existing business provides a service to those located locally which does not require them to travel into Harrogate or beyond, thereby improving convenience for the local community and reducing mileage for those who are coming from the immediate vicinity.
- 10.25. The business also provides an economic benefit from those customers who travel from outside the local area to use the services provided.
- 10.26. The inability to expand the business or find a suitable alternative location would have a significant impact upon the ability of the business to expand or survive as the automotive industry needs change into the future.
- 10.27. The proposal therefore provides an economic and social benefit to the local economy and community.

Impact on Landscape Character and the Nidderdale National Landscape - AONB

- 10.28. The existing site is situated within the Nidderdale National Landscape - AONB and the proposed site is located adjacent to the designated landscape. Both sites are in open countryside and therefore Policies GS6 and NE4 that seek to preserve the AONB and wider landscape character are considered to be relevant, along with policy HP3 which seeks to preserve local distinctiveness.
- 10.29. NPPF paragraphs 176 and 177 state that 'great weight should be given to conserving and enhancing landscape and scenic beauty' in the AONB and that 'permission should be refused for major development'.
- 10.30. The site is located within Landscape Character Area No 24 'Lower Nidderdale Valley north west of Harrogate' of the Council's Landscape Character Assessment. The assessment states that the 'area's ability to accept change without harm to its character is limited, especially where development would be visible' and notes that 'the landscape contains many scattered buildings and has a limited capacity to accept additional built development without detriment to landscape character through coalescence' and notes that 'additional individual buildings between settlements will impact on rural character, as would the domestication of the few field barns remaining'.
- 10.31. The Landscape Officer states: *'The site to the east is a farm field in open countryside immediately adjacent to Nidderdale AONB to which Greyston Lane forms the boundary and is bounded by stone walls, hedgerows and fencing. It is relatively open in nature and slightly elevated from land to the north and east. The Landscape of Nidderdale Valley is characterised as having extensive views and an intimate and diverse landscape pattern with random fields typical of early enclosure. The site and it's*

*immediate setting is characteristic of the described Landscape being a small field within a pattern of small fields with an eclectic mix of boundary treatments and associated hedgerow trees. Whilst there is an area of woodland to the north of the site the field is not planted and the immediate landscape of the site and the surroundings is not significantly characterised by woodland except where associated with Cockhill Beck nearby’.*

- 10.32. The proposal is to erect a two storey building on an area of open land with the provision of a large area of hardstanding to the frontage of the building to provide parking, turning and storage areas. An area of hardstanding on the existing site is proposed to be returned to grassland.
- 10.33. The scale of the building is significantly larger than any of the neighbouring buildings and will be introduced into an open landscape. The proposal takes its design from that of agricultural buildings, however, due to the large car parking area adjacent to the highway and the overall commercial appearance, it may be seen as more of a commercial building in the landscape than an agricultural one.
- 10.34. The submitted LVA notes that the visual impacts of the development without landscaping will be ‘moderately adverse’. With landscaping this is reduced to ‘minor adverse’.
- 10.35. The Landscape Officer has stated that she is in agreement with the ‘moderately adverse’ assessment of the proposal but the original landscaping scheme was considered to be inappropriate to the surrounding landscape.
- 10.36. Following the Committee’s decision to defer the application for landscaping to be addressed, two further landscaping schemes have been provided. The first was not considered to address these concerns but the latest proposal provides a scheme which follows the traditional field pattern with planting to provide additional hedgerows and planting within the hedgerows.
- 10.37. The Landscape Officer has considered the revised landscaping scheme and has verbally agreed that subject to some alterations to species mix and additional planting to the frontage of the site, that the proposed landscaping scheme would be acceptable and that the landscape objection would be removed. The alterations to the landscaping scheme can be achieved via a condition should the application be approved.
- 10.38. Further details of the proposed materials have also been submitted as requested by the Committee including a photograph of the proposed timber cladding and stonework. This is considered to be an acceptable material and would help to reduce the visual impact of the proposal.
- 10.39. It is considered expedient that any approval requires samples of all external materials to be submitted to the LPA for approval prior to use in the construction.
- 10.40. Whilst it is considered that the building is large scale in comparison with the existing farmsteads and adjacent domestic properties and whilst it would be preferable for the building to be smaller, it is considered that with the amended landscaping scheme and

confirmation of materials, the landscape harm caused by the proposed building can be adequately mitigated and would therefore be in accordance with Local Plan Policy NE4.

- 10.41. A public footpath runs to the east of the proposed site and the proposal would be visible from this position.
- 10.42. In addition, whilst the proposed building is not situated within the AONB it is located on land immediately adjacent to the AONB. The NPPF states at paragraph 176 that 'great weight should be to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty' and continues that 'development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated areas'.
- 10.43. It is considered that due to the topography of the site and the proposed landscaping scheme that the proposal would not create a significant level of harm to the AONB and would be in accordance with NPPF paragraph 176 and Local Plan Policy GS6.
- 10.44. The proposed removal of the area of hardstanding within the existing site would also have a minor benefit within the AONB.
- 10.45. Subject to further landscape conditions, it is considered that the landscape harm created by the provision of a large building in an open landscape can be mitigated and would therefore be in accordance with Local Plan Policies GS6, NE4 and EC2.

#### Highways

- 10.46. Paragraphs 110 and 111 in the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.47. A Transport Assessment has been submitted in support of the application that demonstrates that suitable visibility splays can be achieved, and that the site can provide adequate parking and turning without creating highway safety issues.
- 10.48. The Highways Officer has considered the plans and following the provision of additional information has confirmed that the proposal would not create issues in respect to Highway Safety subject to conditions.
- 10.49. The Highways Officer has requested that the existing overflow car parking area on the existing site be retained until the proposed extension is completed to ensure that there is sufficient car parking across both sites.

#### Drainage and Waste

- 10.50. The application form states that surface water will be dealt with via soakaway and that foul sewerage will be dealt with by mains sewer. Yorkshire Water have commented that there is no public sewer in the area so it is not clear how drainage will be dealt with on the site.

- 10.51. A drainage statement has now been provided following the deferral for additional information this states that surface water will be directed into the watercourse and foul sewerage will be provided by a package treatment plant and then into the watercourse.
- 10.52. Environmental Health require additional measures to be put in place to avoid waste fuels and debris into the watercourse which would create a pollution risk. The applicant has confirmed that these can be provided as part of the drainage scheme. A drainage plan is provided as part of the Drainage Statement (AMA, 17<sup>th</sup> October 2023).
- 10.53. The application now includes details with regards to the disposal of commercial waste from the site.
- 10.54. Cockhill Beck is located close to the site and as set out in the submitted Ecological Assessment 'is likely to comprise a key ecological linkage within the local area'.
- 10.55. Details of a drainage scheme that can provide the additional environmental protection required in relation to pollution would need to be provided as a condition of any consent.

#### Residential Amenity

- 10.56. Paragraph 130 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.57. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.58. The proposal seeks to construct a large commercial building in relation to auto servicing and repair, in close proximity to a residential property. In order to control the impact of the proposal it is recommended that conditions are attached to any approval to restrict the hours of activity on the site; control external noise levels and to restrict activities from taking place outside of the building.
- 10.59. Subject to conditions it is considered that the proposal would not adversely impact on the residential amenity of the neighbouring property.

#### Ecology

- 10.60. Paragraph 180 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.
- 10.61. Local Plan Policy NE3 seeks to protect and enhance biodiversity.
- 10.62. An Ecological Impact Assessment has been submitted with the application which states that 'the scheme has potential to result in minor positive impact to nature conservation providing mitigation and enhancement measures detailed in this report are adopted'.
- 10.63. In order to ensure that a biodiversity net gain is delivered on the site, a more detailed landscaping scheme would be required providing a higher level of detail in terms of

species and numbers of planting and also how a biodiversity net gain would be achieved. This would be required as a condition of any consent.

- 10.64. In addition, any approval would be required to be undertaken in accordance with the mitigation measures set out in the submitted report.

#### Sustainability

- 10.65. The Committee requested deferral to allow the applicant to provide details of the sustainability of the proposal.
- 10.66. The applicant has updated the plans to show photovoltaic panels to the front and rear roofslopes and the plans already provide for the provision of electric vehicle charging. In line with this, it is considered that any planning approval in relation to the proposed development should include a condition requiring the provision of the scheme for electric vehicle charging, as shown on the submitted plans and for the solar panels to be installed and operated prior to the first use of the building.

#### Other Matters

##### Contaminated Land

- 10.67. There is no evidence to suggest that the site has been affected by pollution activities or waste disposal however the site has been in agricultural use and thus there is the potential for unexpected contamination to be found during development. A condition in relation to this is recommended.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The application site is located within 'open countryside' in an area where development is only acceptable in line with Local Plan Policy GS3 where expressly permitted by either national or local policy.
- 11.2. The proposal would provide a local economic benefit and an inability to expand the business or find a suitable alternative location would have an economic and social impact.
- 11.3. Local Plan Policy EC2 supports the expansion of businesses in these areas, this is subject to a number of criterion which need to be met. It is considered that following the submission of additional information the proposal meets the criteria within Local Plan Policy EC2.
- 11.4. The scale of the proposed development and the introduction of built development into an open landscape, would create landscape harm to both the open countryside and the views into and from the Nidderdale AONB, but it is considered that this can be mitigated by the proposed landscaping scheme, and is outweighed by the economic and social benefits of the proposal. This would be in accordance with Local Plan Policies GS6, NE4 and EC2 and paragraph 175 of the NPPF.



## 12.0 **RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions:

1. The development hereby permitted shall be begun on or before three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details as set out below:

Site Plan submitted to LPA on 12 June 2023

Proposed Site Layout - 20 001 Rev E submitted to LPA on 21<sup>st</sup> November 2023

Existing and Proposed Summary - 20 001 Rev E submitted to LPA on 21<sup>st</sup> November 2023

Ground Floor Plans and Elevations 20 003 Rev B submitted to LPA on 20<sup>th</sup> October 2023

First Floor Plans and Elevations 20 004 Rev B submitted to LPA on 20<sup>th</sup> October 2023

Proposed Sections 20 005 Rev A submitted to LPA on 20 Oct 2023

Landscape Proposals - SF3295 LL01 Rev C submitted to LPA on 14<sup>th</sup> November 2023

Landscape and Ecology Strategy - 20 009 Rev E submitted to LPA on 21<sup>st</sup> November 2023

3. Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.
4. Prior to the commencement of works above ground level a comprehensive landscaping scheme shall be submitted to the Local Planning Authority for approval. This should include details of all external materials including hardstandings and hard landscaping, along with details of soft landscaping, including the planting of trees, hedges and shrubs shall be submitted to the Local Planning Authority; such scheme shall specify types, sizes and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The details should also include the proposed Biodiversity Net Gain within the site.

The development shall be undertaken in accordance with the approved details.

5. In the event of failure or removal of any trees, hedges or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live



specimens of such species in such number as may be approved by the Local Planning Authority.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either
  - (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or
  - (b) the local planning authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority

7. The development must not be brought into use until the access to the site at Grayston Plain Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with the Section Through Kerb in Standard Detail number E40 and the following requirements.

\* Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

\* That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding one in thirty.

\* Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing to be submitted and maintained thereafter to prevent such discharges.

\* The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

\* Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site at Grayston Plain Lane until splays are provided giving clear visibility as set out in Drawing AMA/21388/SK002 provided by Andrew Moseley Associates. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at Grayston Plain Lane have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

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

  1. details of any temporary construction access to the site including measures for removal following completion of construction works
  2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
  3. the parking of contractors' site operatives and visitor's vehicles
  4. areas for storage of plant and materials used in constructing the development clear of the highway
  5. details of site working hours
  6. details of the measures to be taken for the protection of trees; and
  7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue
11. The overflow car parking area adjacent to the existing buildings shall remain in use until the proposed car parking area is completed and brought into use. The overflow car parking area shall be removed and returned to pasture within 3 months of the first use of the approved building.
12. Drainage from the site shall be undertaken in accordance with Drawing AMA/22379/D/500 - P1 within the submitted Drainage Strategy (AMA, 17th October 2023).
13. Prior to the first use of the building, confirmation of the methods of ensuring that any waste fuels and debris are removed before access to the drainage system and the watercourse shall be submitted to the LPA for approval. The development shall be undertaken in accordance with the details approved and shall be maintained and retained as such for the lifetime of the development.

14. The development shall be undertaken in accordance with Section 6.3 'Further Survey, Mitigation and Enhancement' of the submitted Ecology Report (Middleton Bell, 23rd March 2023).
15. Prior to the first use of the approved building, the electrical vehicle charging points and solar panels shown on the approved plans shall be installed and operable, and shall be maintained and retained as such for the lifetime of the development.
16. The building and parking hereby approved shall be used in conjunction with the existing MOT and servicing business located at Grayston Plain Farm.
17. There shall be no external storage on the site other than the waste storage shown on the approved plans.
18. The combined rating level of sound emitted from any fixed installations which comprise mechanical and electrical plant and equipment, the loading and unloading of goods and materials, mobile plant and vehicles at the site shall not exceed background sound levels (at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

19. The use hereby permitted shall not operate or be open to customers outside the hours of 08:00-18:30 Monday to Friday and 08:00-12:30 on Saturday. The use hereby permitted shall not operate on Sundays and Bank Holidays.

Reasons for Conditions:-

1. To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
2. In order to ensure compliance with the approved drawings.
3. In the interests of visual amenity and to accord with Local Plan Policy HP3, NE4 and GS6.
4. In the interests of preserving the landscape character of the area and reducing the impact on the landscape character of the AONB and to accord with Local Plan Policies NE4 and GS6.
5. In the interests of preserving the landscape character of the local area and the AONB and to accord with Local Plan Policies NE4 and GS6.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Local Plan Policy NE9.

7. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
8. In the interests of highway safety
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with Local Plan Policy HP4.
10. In the interest of public safety and amenity and to accord with Local Plan Policy HP4.
11. In the interests of highway safety during development and in the interests of improving the visual amenity of the landscape once the works are completed and to accord with Local Plan Policy NE4 and GS6.
12. In the interests of ensuring appropriate drainage for the site and to avoid pollution of the watercourse.
13. In the interests of protecting the adjacent watercourse from pollutants and to accord with Local Plan Policy CC2.
14. In the interests of protecting and enhancing local ecology and biodiversity and to accord with Local Plan Policy NE3.
15. In the interests of sustainable development and to accord with Local Plan Policy CC4.
16. The proposed development is only acceptable as an expansion of an existing business operation under Local Plan Policy EC2 and would not be acceptable as an independent business in this open countryside location.
17. In the interests of preserving the landscape character and visual amenity of the area and to accord with Local Plan Policy NE4 and GS6.
18. In the interests of residential amenity and to accord with Local Plan Policy HP4.
19. To ensure that there is no detrimental impact on the amenity of the local area and to accord with Local Plan Policies HP4 and NE4.

## **INFORMATIVES**

1. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North

Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20Streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_ind\\_est\\_roads\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20Streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing__ind_est_roads__street_works_2nd_edition.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to.

- It is noted that the drawings submitted with the planning application show proposed advertisement(s) that will require the separate express consent of the Borough Council under The Town and Country Planning (Control of Advertisements) Regulations 2007. You are therefore advised not to display the advertisement(s) until such consent is obtained. Application forms are available from the Councils website.

**Target Determination Date:** 10.12.23

**Case Officer:** Emma Howson, [emma.howson@northyorks.gov.uk](mailto:emma.howson@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**

