

Development proposal off West Lund Lane – comments and objections

General background

The adopted planning policies lie at the heart of the decision making process in respect of applications like this as outlined below. Whilst the residential aspect of the proposal is self evidently contrary to policy and should unquestionably be refused, the application appears to have been couched in a manner to effectively threaten to hijack the decision making process by suggesting the business may have to relocate if permission is not forthcoming.

The approach to the proposal runs contrary to the way in which the Town Council and public attending a Town Council meeting with senior policy planning staff representing Ryedale District Council were told that the then proposed policy would be operated. Clear assurances were given that, as the site was still to be outside the development limit, anything other than an appropriate expansion by and directly for Sylatech would be refused – the planning officer was adamant that the proposal could not be used as a Trojan Horse for any other general development. Concern was also expressed that the existing use was a general industrial use and so any further general industrial development like this would not be compatible with what is now a predominantly residential area (general industry is, by definition, not the type of business that operates without detriment to the amenities of a residential area – only Use Class E(g) development is defined as including uses which can be carried out in a residential area without detriment to its amenity including appropriate industrial processes which meet this requirement). It was clearly indicated that the usual planning considerations like the amenities of residents, highway safety, landscape impact etc would be taken into account in the usual way. Presumably in the light of these assurances, the Town Council did not object to the new policy (which only covered the northern part of the site so much of the land proposed for development lies outside of the area potentially available for Sylatech to expand). It now appears that trust in the planning system and supporting an important local business may have been misplaced by way of what looks like a cynical endeavour by the company to effectively blackmail the decision makers with a threat to move their business elsewhere.

In the light of the above, it would now appear to be the time to encourage the business to move onto a suitable site away from residential property with suitable access and in a less damaging location. The plans, albeit lacking in anything like an appropriate level of detailed information, make clear that what is being sought is not in any way appropriate here and it would seem the right to relocate this non-conforming use and the associated air pollution, round the clock noise, smells and other adverse impacts to a purpose built site where the business can operate without unacceptable impact on residents. This would better ensure the long term future of the enterprise rather than having to deal with a raft of complaints to the Environment Agency, the Health and Safety Executive and Ryedale's environmental health team. Up until now residents have, in large part, tried to ignore the adverse impacts of the existing business and so support this enterprise, even though significant harm has been ongoing for many years. Now is surely the time to start afresh on a better site well suited to a business such as this.

Some of these and other matters cannot be properly appraised given the quality and content of the submitted documents. Seeking the views of residents with poor quality information was a flawed exercise made worse by timing such a consultation so as to fall over the Christmas period whilst maximising the upset/concern of many residents. Setting

that point aside, the adequacy of the submission as a whole is so flawed that it should be refused owing to its shortcomings and failure to provide key documents which, ordinarily, would have seen the application turned away without being validated. Some of these shortcomings, including procedural failings, are included as an Addendum as some of these points are more matters for Ryedale to consider although it would be relevant for the Town Council to also appraise these shortcomings so as to better judge if the submitted documents are sufficient to enable a thorough assessment of the proposal to be made in coming to a view.

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise, as does the National Planning Policy Framework (NPPF) which sets out the Government's planning policies for England and how these are expected to be applied. The adopted Local Plan and recent Local Plan Sites Document comprise the key elements of the development plan such that, unless material considerations indicate otherwise, the proposal must be determined in line with the plan.

Development limits have been drawn around settlements including Kirkbymoorside. Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. Outside development limits proposals for new development are regarded as being within the open countryside for planning purposes and will only be supported where expressly permitted by other policies. There are no policies of the Local Plan that would allow residential development in this location and no provision for employment/industrial development other than in exceptional circumstances by Sylatech but even then the proposal must accord with other policies within the plan and be compatible with adjoining land uses.

In summary, there are objections in principle – a land use objection - along with a raft of site specific concerns.

Principle

As outlined, there are no relevant policies in Local Plan that would allow open market dwellings in this location or speculative industrial/business development. As such it is considered that there is a land use policy objection to the proposal. Sufficient sites have been allocated to meet the housing and employment requirements of the District and whilst it has to be recognised that there would be some economic benefit to the local area through the construction and future spending of occupiers, the same can be said for almost any development and considerations like this cannot conceivably outweigh the objection in principle.

Policy SP1 of the Local Plan Strategy makes clear that in 'open countryside' locations like this, development will be strictly restricted whilst policy SP2 only provides policy support in principle for dwellings in the open countryside in specific circumstances, none of which apply here. As there is a five year land supply as set out in the Local Plan Sites Document, there is no justification for new housing outside of the development limit.

In summary, the objection in principle warrants refusal along something like the following lines:

The proposed development lies beyond the development limit for Kirkbymoorside. As the Council can demonstrate a current 5 year housing land supply, the scheme for open market dwellings is considered to be contrary to the provisions of the development plan. Sufficient sites have been allocated to meet the market housing requirements of the District and, similarly, there is no overriding need for additional land to be provided for general/speculative employment purposes. Kirkbymoorside is designated as being a Local Service Centre where only limited growth to address local employment and housing requirements is provided for and which should ordinarily be located within defined development limits. In the absence of any demonstrable special justification for the development, which does not comprise limited growth to address local needs, the proposal would result in harm to the objectives of a plan led approach and be contrary to the provisions of the development plan.

Site specific considerations

These are numerous but include residential amenity, visual amenity/landscape impact, highway safety along with more technical issues including noise and air pollution, land contamination, adequate disposal of foul and surface water including provision of an appropriate sustainable surface water drainage scheme, etc. Some of these and other matters cannot be properly appraised (including ecological considerations/protected species impacts, sustainability considerations etc) given the quality and content of the available documents.

Some of the relevant local plan policies are flagged up in the Addendum below but to do anything other than summarise self-evident considerations which strongly count against this proposal would seem unnecessary (and even more (unduly) long!).

Three matters likely to be particularly important site specific material planning considerations (other than the principle as set out above) are highway safety, landscape/visual amenity and residential amenities (of existing and potential future residents).

Highway safety

Policy SP20 seeks to ensure that development does not have a detrimental impact on road safety, both pedestrian and vehicular. The site is already served by a road of a particularly high standard capable of accommodating any level of traffic and size of vehicle imaginable in a safe manner without conflict with other road users generally and pedestrians using the surrounding lanes in particular.

The proposal would use the existing large access in a minimal manner with much of the vehicular activity concentrated on the existing single car width access, West Lund Lane, with a 'secondary/pedestrian' access onto Ings Lane. Whilst creating any additional access is unnecessary given the specification of the existing road into the site and inexplicable (other than presumably trying to provide a more 'prestigious' entrance to boost potential house prices) the provision of three new accesses with activity concentrated on what is one of the most popular lanes for residents from much of Kirkbymoorside to walk represents an unsustainable scheme detrimental to the safety of other road users, particularly walkers, people exercising their dogs and horse riders on West Lund Lane. The link onto Ings Lane will also exacerbate road safety issues arising from the need for people using that access to cross over to/from the pavement on the far side at a

particularly dangerous point near the bend where traffic (especially that associated with deliveries etc to the industrial development as the end of the lane) seem unaware of the limitations of the road. The unnecessary additional accesses on West Lund Lane will also impact adversely on existing residents using and/or living on the lane by adding considerably to traffic when such is unnecessary - even on that part of the lane that can already accommodate two way traffic and benefits from pavements, increasing traffic flows unnecessarily exacerbates road safety issues/risk when such cannot be justified given the existing highly specified and safe access serving the land. The positioning of two accesses onto the lane close together as proposed will create uncertainty of priorities for those coming and going and using these accesses so increasing the chances of confusion between road users and diminishing road safety, especially for walkers using the lane.

The proposed layout within the site provides for limited parking with insufficient space for 'in curtilage' parking of cars so resulting in vehicles parking on the proposed roads/about the site which would both be unattractive and reduce the safety of residents, especially children, being likely to manoeuvre around cars parked on the roads.

The volume and type of traffic movements associated with the proposed development and the wholly inappropriate access arrangements would result in a materially significant, unacceptable adverse impact on highway safety in conflict with Policy SP20 whilst also being detrimental to the amenities/enjoyment of those walking and riding along West Lund Lane.

Landscape/visual amenity

Whilst the site does not lie within any national or locally designated landscape, all proposals are required to be assessed in terms of their impact on visual amenity, landscape character and the form/setting of the settlement and properties within it – proposals should only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to visual amenities of the wider area and the character of the adjoining development/the settlement generally. This proposal is contrary to policy SP13 which requires that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including: The distribution and form of settlements and buildings in their landscape setting; The character of individual settlements, including building styles and materials; The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses); Visually sensitive skylines, hill and valley sides; The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.

The scheme is contrary to most elements of this policy with the design and layout of the scheme exacerbating the unacceptable impact of developing this land which remains an attractive, essentially rural area of open countryside forming part of the wider countryside environs outside of the settlement itself. Resisting development of land south of the main road has been a consistent and important element of the Council's spatial policy for many years and remains so now. The scheme sets very tall buildings on what will be the skyline and so will dwarf the existing industrial buildings as a wholly incongruous, dominant feature on the skyline and in terms of wider visual/landscape impacts, including views in from the adjacent lanes and from the main road when approaching Kirkbymoorside from the west. The need for the main building to be so huge is not properly explained but in any event is wholly unacceptable on this visually prominent site which is widely visible from

many vantage points.

The contribution the application site makes to the wider countryside setting of this part of Kirkbymoorside has not been eroded significantly by recent development (which has been generally constrained and not readily apparent in this locality) such that the development will serve to extend the settlement and urbanise its setting. The landscape features which may have created a logical boundary if any development was justified here (the trees/hedging running midway across the site roughly east-west) have been ignored and no proper buffer and tree screening proposed to any of the edges of the application site. The density and layout of the development is out of keeping with the existing residential development nearby and, indeed, the general pattern of development throughout Kirkbymoorside. The scheme is overly dominated by roads/off plot parking/hard surfacing which is disproportionate to the housing being served and will form an alien, extremely urban feature with roads around much of the perimeter of the site, three new roads into the land (inclusive of the access onto Ings Lane) and an inappropriate widening of West Lund Lane to the further detriment of the character and appearance of the locality.

The layout/design of the proposal will unacceptably damage the character and setting of the settlement and the wider open countryside of which it forms part, contrary to policy SP16 which states:

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: Reinforce local distinctiveness; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; Protect amenity and promote well-being; To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including: Topography and landform that shape the form and structure of settlements in the landscape; The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks; The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale; The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings; The character and appearance of open space and green spaces...; Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures; The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail. The design of new development will also be expected to: Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space; Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all.

It is considered self evident that this proposal has not been designed with any proper consideration of the above requirements and has ignored the characteristics of both the site itself and the general locality. It appears to be an 'anywhere' urban style of intensive estate development wholly out of keeping with this part of Kirkbymoorside. The development of the site would not be sympathetic to the context of the settlement or its surroundings and will be dominated by roads, fencing and densely packed housing. It will clearly detract from the landscape character and visual amenity of the area and appear as an alien feature in terms of the form and setting of the town, contrary to policies SP13,

SP16 and SP20.

Residential amenity

Policy SP20 requires that development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. This proposal has unacceptable impacts on all these groups of people.

The scheme impacts adversely on many of the occupiers of individual individual houses adjacent to and near the site for a variety of reasons. For some, the physical proximity of the proposed houses is overbearing with the proposed houses too close to the existing and out of keeping with the prevailing character and relatively spacious arrangement of existing properties whilst others near the access onto Ings Lane will have unnecessary activity/disturbance/loss of privacy as a consequence of the use of that access. Residents on West Lund Lane and Parkers Mount will be impacted on by the vehicular activity on the and within the site and noise, smells and light pollution associated with the industrial elements of the scheme. The existing business enterprise is unsuited to being within a residential area and already causes significant amenity, noise and air pollution problems for residents in the locality which will be exacerbated by the huge increase in the extent of the industrial development proposed here - the new buildings will be closer to more residents than the existing, both in respect of existing dwellings and those in the new housing being proposed.

It is somewhat perverse to be proposing a massive extension to a non-conforming use like Sylatech which is wholly inappropriate near to residential development in the first place and then also propose a large number of new houses immediately adjoining the industrial development. The amenities of many (perhaps most) in the new houses would be unacceptably poor owing to their proximity to the existing and proposed industrial uses with potential health impacts from noise and air pollution along with widespread impacts from light pollution in an area of otherwise relatively dark skies. The site layout and proposed landscaping will not provide any form of the screening needed to soften the appearance of the site with the housing and (especially) the tall and large ground area of new buildings (both those in the future close to the lane and that perched on the higher part of this visually prominent site) impacting unacceptably on the wider community as well as residents close to the site and walkers using the lanes. There is no appropriate buffer of open land/gardens in relation to existing houses and only an inadequate buffer strip onto Ings Lane and Gawtersyke Lane, much of which is down to the tarmac of peripheral roads, parking and a water storage tank with limited, if any, potential for ecological enhancement or integration within this rural setting.

The proposal will have numerous unacceptable impacts including noise, disturbance from vehicular movements, smell and air pollution, loss of privacy/overbearing presence of built form/perceived overlooking and is completely incompatible with the adjacent/nearby agricultural and residential land uses, seriously diminishing the ambience of the immediate and wider locality. Whilst the principle of anything here stands strongly against any proposal on the majority of this land, the details of this specific proposal do not appear to be properly thought out with no cognisance of the area generally and this part of Kirkbymoorside in particular. The unacceptable, adverse impact upon residential amenity warrants refusal of this scheme, being contrary to Policy SP20 and overarching general planning objectives.

Addendum – Procedural points and some relevant policies:

Procedural matters:

This application includes detailed elements like the main industrial building proposal and housing as well as outline elements, notably the further industrial buildings. Whether to accept a proposal in this type of 'hybrid' form is at the discretion of the local planning authority, not something on which an applicant may insist. In the interest of good planning, a local planning authority is empowered to require details even when part of the application is in outline and so could have and should have requested full details of all aspects of the scheme at the outset. It is self-evident that the planning authority, various of the expert consultees, the Town Council and the general public cannot reasonably be expected to comment comprehensively if not properly and fully aware of the detailed nature of all key elements of this proposal. The large area of the site proposed for more buildings of unknown size, unspecified design and with no knowledge of the use it is intended they be put to or reason why it is essential for this additional development to be here and could not be sited elsewhere all serve to demonstrate that the planning authority should have used the discretion provided by the law and rejected this application as being inadequately made.

Despite the paucity of appropriately detailed information, it seems clear that this proposal comprises Schedule 2 development under the Environmental Impact Assessment legislation and so at the very least needed to have been subject to a Screening Opinion which should, in turn, have found (had adequate information been submitted to properly judge!) that this scheme comprises EIA development requiring a full environmental impact assessment to be regarded as an adequate, valid application. The area of new floorspace of the main building alone for the uses proposed within it (assuming they reflect the existing business as seems the fundamental premise underpinning any proposal to use this area of land) far exceeds the 1,000 square metres threshold to comprise Schedule 2 development in respect of a businesses including the production/processing of metals.

The submitted ecology documents fail to properly assess the likely presence of various important species found locally. At the very least, bats, barn owls, tawny owls, newts, toads and frogs all make use of this site and regularly hunt/feed within it. Great Crested Newts are regularly seen/found in gardens adjoining the application site despite the more intensive use of the ponds on the site seemingly endeavouring to reduce the suitable habitats available to the newts. The information in respect of badgers suggests a lack of awareness that they forage in this immediate locality and are often seen crossing from the east of Ings Lane into the fields here to the west. Properly detailed and well informed surveys should have been conducted here, as for all other 'rural' development sites like this. Once completed, the report should then go on to detail mitigation and enhancement measures for protected species which should be submitted with the application.

Appropriate archaeology work, including follow up once the initial findings are known, is a pre-requisite for a site with known archaeological interest like this. A detailed Written Scheme of Investigation should have been agreed with the planning authority in consultation with the County Council and the necessary work (in this case including extensive supervised trial trenching) undertaken ahead of any application being submitted/considered valid. A Roman bronze bangle has been found and verified in the field immediately opposite the site but the interest within the site itself is fully acknowledged in the submitted report but that then seemingly 'set aside' its own findings at this stage such that the application should have been rejected as invalid or simply

refused .

The contamination report limits any meaningful work to the farmland topsoil only with little if any relevant research/testing or evaluation of the impact of the existing and historic business activities, including possible buried industrial waste, previous landfill and waste management facility activities, polluted run off from the ponds now seemingly being routed direct into the surrounding watercourses, etc. The report is not considered adequate to properly inform any decision other than refusal!

Likewise, there is no proper noise assessment in respect of the existing or proposed noise associated with the development, some of which cannot be known because the use of the area subject to the outline application is not properly specified.

There is no evidence of a properly researched assessment of any appropriate, hopefully sustainable surface water drainage scheme. The surrounding watercourses have very limited capacity but it is acknowledged that soakaways won't work here such that there is a need for a huge water storage facility and so a compelling pre-requisite for this application should be for this matter to be fully detailed at the outset, including the final full design of any water holding feature (ideally something that dovetails with the requirement to enhance biodiversity/ the ecological interest and not a closed half buried concrete tank appearing as an eyesore on the corner of Ings Lane and Gawtersyke Lane) and set out improvements to any discharge route Any SUDS proposal should also demonstrate how it proposes to deal with the foul drainage runs through the site serving other properties in the vicinity.

The application should have included full sections at numerous points across the land including some comparative levels information from the hinterland along with details of how the very significant land level changes could be accommodated in an appropriate manner. A proper, professional Visual Impact Assessment to better judge the local and wider landscape visual impacts of this proposal should have been required ahead of the application being considered valid.

The above procedural matters mean that this application should not have been progressed as adequate/valid. There are other matters which bear little proper scrutiny although probably not comprising reasons to turn the application away as being invalid. For example, it seems an acoustic fence is needed to protect the residential amenities of the proposed housing but nothing similar is proposed to protect the amenities of existing residents, despite the same volume of traffic passing close to houses such as those on West Lund Lane. Documents such as the Land value assessment do not provide any foundation for the values indicated especially given the land is all agricultural and outside the development limits such that all there is over and above agricultural land values is a modest addition centred on 'hope value'. The 'costings' simply do not withstand any meaningful scrutiny – for example, without the housing element there is no need for either of the two new accesses or any 'improvements' to West Lund Lane/works to the bridge such that a proper valuation of the land associated in the Local Plan with Sylatech only and using the existing industrial estate road only would make the calculations fundamentally different with huge cost savings and a vastly reduced land valuation – there is no potential case/justification/need for any cross subsidy of the main building by way of the other elements of the proposal but if the company does need financial support then that would best be directed towards assisting it find an appropriate new site in a suitable location to accommodate this non-conforming use which is wholly incompatible with the

this largely residential part of Kirkbymoorside.

Policy:

The proposal falls to be considered in the light of the following policies, on which basis the decision should be one of refusal.

Local Plan Sites Document

Policy SD13 Expansion Land for Existing Employers

The following sites, as indicated on the Policies Map, are allocated for the future expansion of the existing major employer: Land to the South of Sylatech, Kirkbymoorside ... In the event that these sites are not required by the respective company during the plan period, they will not be available to other business uses.

Local Plan

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP10 Physical Infrastructure

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP15 Green Infrastructure Networks

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues