

# North York Moors National Park Authority

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District/Borough: Scarborough Borough Council  
Parish: Egton

Application No. NYM/2019/0019/FL

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**Proposal: Construction of extension, installation of 1 no window to west elevation, erection of a fence and siting of generator together with change of use of land to joinery business with ancillary storage (Use Class B2) (part retrospective)**

**Location: Store Adjacent Kirkdale, Egton**

**Decision Date: 03 April 2019**

**Extended to: 26 April 2019**

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## Consultations

**Parish** – Support the application -Improves appearance and will reduce ambient noise. Supportive of local business/employment

**Highways** - The proposals are not expected to have any significant increase in the amount of traffic travelling to and from the publicly maintainable highway. Therefore, there are no local highway authority objections to the proposed development.

**Environmental Health Officer** –

22/02/2019

Having considered the above planning application I would comment as follows:

1. Having visited the site I have no objection in principle to the re-siting of the generator to the west side of the building as, in my opinion, it will be at a sufficient distance from residential properties in the locality and shielded by the main body of the building so as not to pose any significant noise issues. However the proposal to provide additional screening for the generator must be implemented to provide further sound attenuation.
2. Any increase in noise levels associated with a rise in productivity, as a result of the proposed extension and the recruitment of an additional employee, must be properly managed and I would recommend that the main door on the north elevation be kept closed during hours of operation.
3. In order to prevent harm to amenity I would recommend that the current hours of operation be retained, that is 08:00 to 17:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holidays. Any consideration to even a small relaxation of these operating hours, to 18:00 Monday to Friday for example, would require the submission of an acoustic report containing recommendations on noise mitigation measures, such as sound-proofing to the north wall.

25/04/2019

No further comments

**Site Notice/Advertisement Expiry Date** – 12 March 2019

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**Application Number: NYM/2019/0019/FL**

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**Others –  
Mr G Carr, Church View, Egton –**

**18/03/2019**

I am pleased that finally an application has been made, as I originally complained over a year ago about this noise problem.

I welcome the moving the Super Silent Generator to the side of the building, and that it will be enclosed, however a condition will need to be put in place to ensure that the fence is of Acoustic value and not some bit of garden fence and evidence that this will achieve a satisfactory outcome.

I would also like to ask the NYMNP to make a condition that the work is done, if granted, in a timely matter as the applicant has been given some time to make this application, and I am requesting days, not weeks.

The movement of stored materials to the front of the building is another welcome addition to the application, however a condition to the previous application

NYM/2014/0612/FL was no storage of materials to the front of the building allowed, so will be interesting if this happens, or indeed will be monitored.

I think it would be prudent not to allow any further expansion of the workshop until more acoustic work is carried out, suspended baffle boards to areas of the roof and acoustic material to the North elevation as this farm shed acts like a drum, and when assembling various components, banging etc., along with the machinery, the sound reverberates and can be heard quite clearly on the south facing elevation of my property and in my Daughters 2nd floor bedroom. Perhaps a condition could apply here.

I am totally against the NYMNP granting any additional hours of trading, which the Applicant quite rightly thought there 'may be protestations to this change' as history shows that any genuine objections have not been carried out and suggestions regarding lighting, and keeping the doors closed during working hours have not been met, and so working with NYMNP and SBC is not something that has been forthcoming, which the applicant, a Parish Councillor, I find staggering.

The applicant cited in his explanation for these additional hours (which are already breached from the operating hours already granted) Stating other industrial businesses within the village have extended or no restricted hours, but I do not think that liking the pubs, garage, slaughter house and a Micro distillery, are in the same league as a joinery workshop in an inadequate farm storage shed.

The Garage closes at 17.30 along with the Forge weekdays and operates until 12.00 on Saturday, no businesses operate on a Sunday apart from the pubs naturally. This will prove a huge impact to our lives and urge that all additional hours applied for are refused.

I previously referred to the LED flood light that has been on constantly for weeks now. The applicant has been alerted of this but nothing has been done to rectify this and NYMNP have a dark sky policy.

I have installed blackout blinds to my sons south facing bedroom as the light shines across the south facing elevation of my property, and when we go into the kitchen at night, we don't need to turn the lights on, as Hallam joinery illuminates it for me! This light is not needed in the location it is positioned and with all materials being moved to the rear can be disposed of. I do believe that these proposals will, at last, bring some sort of respite to the noise situation, but only under strict conditions being applied and adhered to and regular monitoring carried out and no additional hours, get more staff is the answer!

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**Application Number: NYM/2019/0019/FL**

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**17-4-2019**

Referring to the latest correspondence from the applicant I would absolutely object to any additional hours of business.

The hours that are already in place are constantly being extended, and the promises of keeping doors closed during working hours just does not happen all the time.

The fact is that when the planning machine is being used the sound goes through the building. The building is not suitable for the type of business that has such machinery.

The applicant refers to not having any complaints of noise, however there is a lot of evidence by a previous occupant at Kirkdale cottage, during the previous application, consequently the applicant had to sound insulate the south side of the building.

At this time I had no complaint, there was the applicant an apprentice and the occasional painter. The generator was later addition, as the applicant states, when a heavy investment of new machinery along with 4 extra joiners working them came along, the generator was a cheaper alternative than installing 3 phase electricity supply needed to run these new machines. How the applicant can compare the situation from then to now is mind boggling. Referring to the 'sketch' of the fencing to the generator, I believe to be inadequate as I would normally expect to see deep interlocking 'V' tongue and grooved joints, coupled to tuning fork posts, and possibly a protective absorptive layer of mineral Rockwool fibre to one side. Ah, the extended hours. The council has a duty to safeguard the rights of residence in rural communities against this sort of noise pollution, allowing extra hours would severely impact on our leisure time in the garden, as previously stated, a 5.5 day week and more staff if the workload allows, or more obvious, move to an industrial estate site.

**Mr & Mrs C Bailey, 28 Bagdale, Whitby, North Yorkshire, YO21 1QL**

17-04-2019 With regards to the above planning application, we are neighbours adjacent to the joinery workshop and can confirm that we have never been affected by adverse noise from this business. We support the application to move the generator and install a window. We would also like to add that the security light on the end of the building is of great benefit to us especially in view of the frequent break ins to outbuildings in the area.

### **Director of Planning's Recommendation**

**Approval** subject to the following condition(s):

1. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**  
 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:  

Document Description	Document No.	Date Received
Site Plan	Supplied by Stanfords	08 Nov 2018
Plans and Elevational Details	N/A	14 January 2019
Fence Detail	A4	01 April 2019

  
 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. The premises shall not be used other than as Joiner's workshop and shall not be used for any other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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**Application Number: NYM/2019/0019/FL**

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3. RUS00 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
4. GASC00 No machinery shall be operated on the premises before 08:00 hrs on weekdays and 08:00 hrs on Saturdays nor after 17:00 hrs on weekdays and 13:00 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
5. GASC00 The Joiner's Workshop hereby approved shall not operate unless all doors to the building area closed.
6. GASC00 Within 1 month of the date of this permission the super silent generator should be moved to the approved location and the 1.8m timber fence proposed to provide additional screening and sound attenuation for the generator must be implemented and thereafter by so maintained in a condition fit for purpose. Future replacement generators should also be super silent, operating at 65dBA at 7m or less.
7. RUS00 The site shall not operate as a Joiner's workshop unless the stoothing wall faced with plasterboard on the east wall of the application building or another form of noise attenuation agreed by the Local Planning Authority in writing to limit the transmission of noise to adjacent properties is in place and maintained in a condition fit for purpose.
8. GAS00 No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside of the building or external storage area hereby permitted and no work shall be carried out outside the building.
9. GAS00 No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
10. GAS00 All external lighting shall be angled down to only illuminate the application property and if necessary shields should be installed around the lights within 1 month of the date of this approval to ensure that there is no light spill from the site into the wider landscape.
11. GAS07 No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

### **Informatives**

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| 1 | To clarify internal alterations to improve noise attenuation within the existing business does not require planning permission and therefore the creation of internal enclosures for joinery use or additional stoothing walls and baffle boards would not require the benefit of planning permission. The applicant may look to consider this as an option as the business develops to avoid any complaints under statutory nuisance regulations which are separate to any planning legislation. |
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**Application Number: NYM/2019/0019/FL**

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**Reason(s) for Condition(s)**

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
3. In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
4. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
5. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
6. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
7. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
8. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
9. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
10. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
11. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

**Application Number: NYM/2019/0019/FL**

Light which the neighbours refers to



View from the objector's property



Storage area and proposed location for generator

**Background**

This application seeks part retrospective approval for external works at the store adjacent to Kirkwood, Egton which was approved under NYM2014/0612/CU as a joiner's workshop.

The building is a modern agricultural building constructed of concrete breeze blocks with Yorkshire boarding above, located to the rear of Roselea, Kirkdale Cottage and Kirkdale, towards the southern outskirts of Egton Village, where the building form of the village becomes more sporadic. The Conservation Area boundary passes between the building subject to this application and the adjacent neighbours.

The history of commercial activity on the site dates back to 1987 when permission was first granted for an agricultural retail store, originally within the stone barn to the rear of Kirkdale and Kirkdale Cottage and then later, in 1994 it was moved into the modern barn to which this application relates. Approval was granted by Planning Committee in 2014 for a self-employed, joiner/carpenter who specialises in making traditional wooden doors and windows to use the building as his workshop to make/construct staircases, roofs and other site work. He uses the building for the purpose of crafting windows, doors, staircases etc. for a small joinery business. Within the building at the time of the original approval there was a Morticer, two Circular saws, a dust extractor, two spindle moulders, two planer thickeners, a cross cut and a Phase Converter. There is also a small office area within the building.

The applicant stated that "there is a need for quality craftsmen to maintain the integrity and heritage of the buildings in our local area and I wish to develop my business to provide a quality service for our community."

In 2014 there is just the applicant working within the building, although they had stated that there is the potential to take on an apprentice in the future.

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**Application Number: NYM/2019/0019/FL**

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The applicant stated that the machinery was not be used every day as there are many days when he will be out on site at customer's properties. The workshop will only be used to make bespoke solutions to customer's individual specifications. Most of the machinery has been bought second hand and runs on three phase electric as these are cheaper to purchase. As the barn only has single phase electric an inverter was installed to be able to run the equipment. This means that it is only possible to run one piece of equipment and the dust extractor at the same time, even if an apprentice was taken on.

At the time of approval of the 2014 application a condition was added that an internal stoothing wall was to be installed on the east side of the property to mitigate for any noise impact on the neighbouring properties which backed onto the application site. This work was carried out.

Under this application permission is sought for a new open and covered storage area to the west of the existing building, the installation of 1 window on the west elevation and the siting of a generator within a fenced enclosure as well as the change of use of this additional area of land and also for an internal area that they have extended into.

The supporting information states that the business now employs three joiners and they are looking to employ a fourth. The purchasing of the generator has allowed the business to expand in this manner which means that more machines can be operated on site at once as there are now more employees.

Initially the application also sought an extension of the hours of operation, however this has since been removed from this application as the Environmental Health Officer stated that this could not be considered with the submission of an acoustic report with the application.

Whilst the red line of the application includes the whole of the building and a small area of external storage to the west of it, part of it will be retained as stabling and storage as it has been used for many years in the past. This area has been included in the application so that it may be used as part of the joinery business in the future should the space become available without the need for a further application.

**Main Issues**

The Local Development Framework policies relevant to this application are Core Policy H (Rural Economy) and Development Policy 10 (New Employment and Training Development). The main areas to be considered in relation to the application are the impact of the development on the neighbouring properties in terms of noise and traffic movements.

**Policy Background**

Core Policy H of the Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including supporting the agricultural sector and opportunities for diversification.

Development Policy 10 states that within the main built up area of Other Villages (of which Egton is one) development for employment and training purposes will be appropriate where the proposal relates to the re-use of an existing building which has sufficient land and storage space attached for the functional needs of the proposed use and does not adversely affect the character of the area.

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**Application Number: NYM/2019/0019/FL**

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**Parking and Access**

The previous permission on the site was for the use of the building as a Country Store. Conditions on this permission restrict the use and outside storage but nothing else. The access and parking areas remains as it would have been previously which was used for both deliveries and customer parking and therefore this is considered to be sufficient to accommodate the needs of the proposal now being considered which requires similarly large vehicles to access the site but on a much less frequent basis.

The previous use as a BATA store operated on the site between 1987 and 2008. The store was open between 08:00 and 18:00 and typically 40 to 50 vehicles per day would access the site. These included cars and tractors with trailers and would be loaded with a forklift truck throughout the day. The main delivery of stock to the site took place at 05:30 and again was unloaded using the forklift truck.

Whilst the turnover of the business has increased since the first application and therefore so will the number of associated vehicle movements, this has not been raised as an issue under this application and it is also considered to still be less than the level which the site previously operated under and therefore no concerns are raised to this element.

Conditions are proposed to restrict the times when machinery can operate on the site, however as there are no highway issues related to the vehicle activity level on site it is not considered necessary to restrict the hours when the applicant may be on site so that he can carry out office based work.

**Impact on Neighbouring Properties**

Externally the building remains the same as it always has done although the front elevation appears to have been recently painted to improve its appearance. The cladding to the leanto storage shed has also been improved and has been extended to incorporate the new store area which is considered to be in keeping with the rest of the building. At first floor level on the west elevation a window has been installed to service the office area which has been created on a mezzanine over part of the workshop area. This looks out west and is not considered to have any adverse impact on the setting or neighbouring properties.

The main impact on the neighbouring properties is with regard to the noise transmitted from the building. Sound insulation was installed on the eastern elevation of the building following the original approval of the application in 2014 to mitigate to noise complaints which had been received prior to the application being submitted. Once installed, no further objections have been received from the neighbours with adjoining boundaries to the site and a letter of support has been submitted in relation to this application. The 2014 approval also has an informative advising the applicant that any further internal sound mitigation works would not require planning permission but may be advisable to avoid any complaints under statutory nuisance regulations which are separate to any planning legislation.

Since the generator has been used on site and production levels have increased objections have been received from the neighbour whose property is located 95m to the North of the application site which is the elevation to which it is currently located and which the large barn doors to the building face. The EHO has visited both properties and has taken readings when all the machines were running on site and does not consider the levels at which the site operated to be considered to cause a nuisance. They have recommended conditions which should mitigate against any adverse impact on the neighbouring property at current



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**Application Number: NYM/2019/0019/FL**

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operating levels, however they have stated that an increase in the hours of operation should not be allowed unless an acoustic survey was submitted with the application. The applicant is unwilling to carry out an acoustic assessment at this point in time until the generator has been moved to its new location as this would have an adverse impact on the readings taken. The extension of operating hours has therefore been removed from this application and it may be something that the applicant applies for separately in the future.

The neighbour has also raised objection to the positioning of a security light on the property. Whilst there has always been a light in this location it appears that its angle may have been altered slightly, therefore a condition has been added to ensure that the light only illuminates the applicant's property and states that a shield should be installed if required to stop any light spill outside of the site.

The Planning Officer who visited the site went to both the application site and the objector's garden while the generator and machinery within the building were running. Within the curtilage area of the joinery business the noise of the generator was audible but considered to be acceptable, at the end of the drive way to the site it was barely audible. The EHO is happy that the revised location and addition of a solid timber fence will help to contain the sound from the generator so that it has less of an impact on the objector's property. The sound of the machines in use will be similar to that at the time of the original application, although there is now the potential that two may run at once. This is why the EHO has stated that they could not support the extension of the hours of operation without a further acoustic report.

**Conclusion**

The main consideration with regard to this application is the noise impact on the neighbouring properties. The EHO has stated that they have no objection in principle to the re-siting of the generator to the west side of the building as, in their opinion, it will be at a sufficient distance from residential properties in the locality and shielded by the main body of the building so as not to pose any significant noise issues. However the proposal to provide additional screening for the generator must be implemented to provide further sound attenuation. They go on to state that any increase in noise levels associated with a rise in productivity, as a result of the proposed extension and the recruitment of an additional employee, must be properly managed and they have recommended that the main door on the north elevation be kept closed during hours of operation. These recommendations have been conditioned, and an informative has been added to advise the applicant that the creation of internal enclosures for joinery use or additional stoothing walls and baffle boards would not require the benefit of planning permission and therefore he may look to consider this as an option as the business develops to avoid any complaints under statutory nuisance regulations which are separate to any planning legislation.

As the application proposed is considered to be able to be mitigated against to protect the amenity of the neighbouring properties and is not considered to have any wider adverse impact on the surrounding landscape then the application is recommended for approval subject to the conditions proposed.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.