

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Egton</b>	<b>App Num. NYM/2014/0612/CU</b>
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**Proposal:** Change of use of agricultural store to joinery workshop and store (retrospective)

**Location:** Store adjacent Kirkdale Cottage, Egton

**Applicant:** J Hallam Joinery fao: Mr Jack Hallam, Grange Head Farm, Egton Bridge, Whitby, North Yorkshire, YO22 5AZ

**Date for Decision:** 11 November 2014

**Grid Ref:** 480851 506022

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME12 Temporary Use for Two Years
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. RSUO01 Use Restricted to That Specifically Proposed (Joiner's workshop) (B2)
4. HWAY15 Parking Spaces to Remain Available for Vehicle Parking (Non-residential)
5. GACS01 Hours of Use of Machinery (08:00 hrs, 08:00 hrs, 17:00 hrs, 13:00 hrs)
6. GACS00 Within two months of the date of this approval a stoothing wall faced with plasterboard shall be constructed 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. The work shall not be carried out otherwise than in accordance with the details so approved and shall be there after so maintained.
7. GACS00 No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside the building hereby permitted and no work shall be carried out outside the building.
8. GACS02 No Outside Storage

#### **Informative(s)**

1. INF00 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 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.

### Consultations

**Parish** – No objection to the application

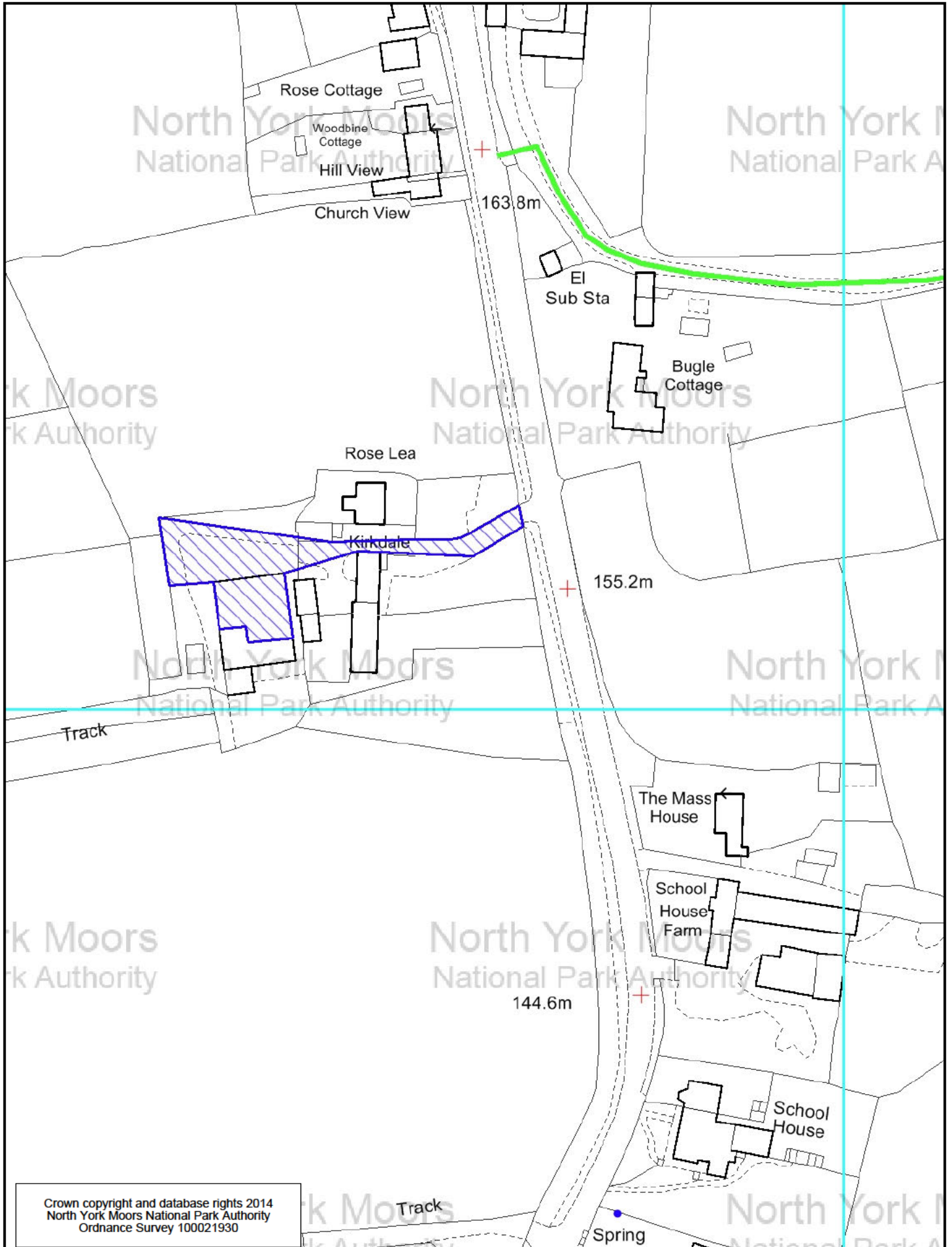
**Highways** – No local highways objections



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

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Scale: 1:1250



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Consultations (continued)

**Environmental Health Officer** – As I have concerns that noise from woodworking machinery is likely to harm the amenity of neighbouring residential properties I would ask that you require an Acoustic Report from a suitably qualified and experienced acoustic consultant to look at this and that any recommendations to insulate the building to prevent this harm be implemented once the report is approved. Also because of the close proximity to neighbours I would also recommend that the hours of operation be restricted and would suggest 0800-1700 Monday to Friday, 0800 - 1300 Saturdays with no working on Bank Holidays.

**Site Notice Expiry Date** – 24 October 2014

**Others – Mrs J Walker, Kirkdale Cottage, Egton** - At the time of conversion for the outbuilding at Kirkdale my late husband was concerned because the lean-to between the (BATA) store and annexe would act as a sound conductor. At the time the BATA lorry had been arriving every Thursday morning at 5am to unload with a forklift. Whatever the store is used for, animal husbandary, milking, feeding and cleaning out with tractors, even ponies whinnying the sound would transmit into the annexe.

Due to the sudden and untimely death of my husband in 2008 the BATA store closed and the building has since been used for intermittent storage.

Mr Hallam approached me and when the opportunity came along for me to help a young man start his career as a bespoke carpenter/joiner I was anxious to help him. Mr Hallam pays a peppercorn rent of £10 towards water and yard maintenance.

I have attached details of when the disputed machine has been used which totalled four hours in October. Since Mr Hallam has been working no noise or very little can be heard in my house which is adjacent to Mr Lund's.

So you can see that my late husband's predictions in 2007 about the existing noise from the Store at that time have proved correct: that the permission granted on the annexe would probably lead to the store becoming unusable, derelict and unsafe.

I sincerely hope the application proposed by Mr Hallam is determined favourably.

**Mr & Mrs Braithwaite, Roselea, Egton** - With respect to the building at the back of our property we can 100% say it causes us no problem at all, in fact, we are happy that it is being used for a purpose and keeping our village positive for the future. We encourage this change of use to go ahead.

**Mr C Lund, Kirkdale, Egton** - We object most strongly to this application. We herewith reiterate our objection to the noise pollution being emitted from the subject workshop which is at times unbearable when machinery is in operation. Over and above the machinery noise we are able to hear quite distinctly their personal conversations and those made on their mobile phones.

At the time we purchased our property we were advised that the building was a farmshop/warehouse which was at the time being used for the storage of antique collectables and memorabilia, had we envisaged that the planning approval could suddenly be changed from commercial to light industrial without consultation then we would definitely have never bought the property.

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## Consultations (continued)

The excessive noise at times has been seven days a week and on occasions until 11pm at night. My wife is not in good health and the stress and anxiety caused by the situation is not helping her.

We would respectfully request that the noise levels be witnessed under normal load production conditions either by the North York Moors National Park Authority or the Scarborough Borough Council Environmental Authority.

Mr Hallam and his employees walk around all day wearing ear protectors. I do not see why we should be forced to follow suit on my own residential property.

How can the National Park possibly take this complaint to a Planning Committee when the North York Moors National Park Authority are refusing to identify and witness the true extent of the noise pollution being emitted from this manufacturing workshop. This is now becoming an almost daily occurrence and disturbance. If you do not have the resources to make a thorough noise investigation I will, if you so wish, have an independent company take the sound recordings and decibel readings.

**Pinkney Grunwells Lawyers LLP, Lion Chambers, 2 Golden Lion Bank, Whitby** - A solicitor's letter acting on behalf of Mr & Mrs Lund, Kirkdale, Egton reiterating their object most strongly.

### **Background**

This application seeks retrospective approval for the change of use of the Old BATA 'Country Store' in Egton into a joiner's workshop.

The proposed 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.

The owner of the building has kept paying business rates on the building since BATA closed in 2008 and therefore had not realised a change of use was required when she allowed Mr Hallam to start using it as a joinery workshop as she thought it was still a commercial property.

The applicant is a young self-employed, joiner/carpenter who specialises in making traditional wooden doors and windows. He also makes/constructs staircases, roofs and other site work. He proposes to use the building for the purpose of crafting windows, doors, staircases etc. for a small joinery business. Within the building there is 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 states 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."

Currently there is just the applicant working within the building, although there is the potential to take on an apprentice in the future.

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**Background (continued)**

The applicant has stated that the machinery will 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 has been 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.

On average one customer will come to the premises once a month as most jobs are carried out at client's properties. There is parking directly outside the building for use by the applicant and clients. The applicant has stated that he currently has one timber delivery a month and that there is adequate access and turning space on the site for HGVs. Small deliveries of ironmongery come once a week in a small van.

No alterations are proposed to the building unless required as a means of noise attenuation. An Acoustic Report was not submitted with the original application; however one has now been carried out and has been sent to the Environmental Health Officer and the neighbours for their comments. The equipment monitored noise levels on site for a period of two weeks and also within a neighbouring property. Unfortunately the consultant was not able to gain access to the objector's property to take readings from within their annexe which is attached to the building in question.

The application does not propose the change of use of the whole building, part of it will be retained as stabling and storage as it has been used for many years in the past.

**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.

Core Policy D of the Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

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**Core Policy D Requirement**

The applicant has questioned the need for him to comply with the requirements of Core Policy D in this instance. The building has a floor area of 248.4sqm and therefore the policy is triggered, however the applicant has stated that the building is not heated and he has removed all the previous heaters as wood is better stored with natural ventilation. The roof has skylights fitted which are supplemented by fluorescent light fittings. The only energy requirement of the building is to run the machinery, however buying and installing the equipment needed to achieve the 10% reduction in CO2 emissions would cost more than the 10% he would ever save. He considers it an energy saving by not fitting one in the first place and that noise or smoke emissions from a renewable energy installation could result in even more neighbour objections.

As no space heating is required within the building that Authority is agreeable to this requirement being waived in this instance, in line with other applications for large agricultural buildings where heating is not required as the saving generated by installation would not be worth the embedded energy within the installation.

**Parking and Access**

The current permission on the site is 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.

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 other than the addition of an external sign measuring 1220mm by 601mm. If planning permission is granted for this change of use application then the size of the sign is considered to be acceptable under the 2007 Advertisement Regulations.

The main impact on the neighbouring properties is with regard to the noise transmitted from the building as due to its construction there is no sound insulation. An Acoustic Report was commissioned by the applicant which has been passed to the Environmental Health Officer for their comments.

The Acoustic Report states that due to the variability in the activities at Hallam Joinery this necessitated long term monitoring to determine the noise profile. Ideally a logging monitor would be used at the noise sensitive location but issues with barking dogs, other extraneous noise sources, weather conditions and security made this difficult.

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**Impact on Neighbouring Properties (continued)**

The adopted approach was therefore:

- Install a logging sound level meter inside the Joinery over a two week monitoring period.
- Support the internal noise profiling with a written log of the activities undertaken.
- Supplement the logging with simultaneous noise logging within the affected properties.
- Carry out specific tests to correlate the internal noise with environmental impact at the sensitive locations.
- Estimate the environmental impact from the internal noise levels.
- Carry out an Environmental Impact Assessment

Noise logging was carried out in one minute intervals whereas during the specific activity tests one second time intervals were used.

Two of the three nearby properties have stated that the use has no impact what so ever on their properties and they fully support the application however the owners of the third property have written in with several letters of strong objection to the proposal. They have a detached annexe which backs onto the proposed barn and is linked to it by a small roofed storage area. This structure acts as a conductor for the noise of the machinery into the annexe; however the owner of the application building states that they have never agreed to this structure being attached to their building. Planning permission would not have been required for this link, as it would have been considered to be Permitted Development.

The Planning Officer who visited the site went into both Kirkdale Cottage and the annexe of Kirkdale. Within the main dwelling of Kirkdale the noise was barely audible and was comparable to the noise of a kitchen fridge however within the annexe of Kirkdale it was of a distracting level. This was whilst the machine was running but not being used, when it would be louder. The annexe at Kirkdale was approved as ancillary domestic accommodation comprising a bedroom with en-suite bathroom and a gallery bedroom above.

**Noise Mitigation and Report Conclusions**

The Acoustic Report states that whilst there is no evidence that any mitigation is necessary it is worth noting that there is scope for a reduction of noise emission from the joinery should this prove necessary in the future.

The upper section of wall facing the residential properties is constructed of corrugated metal sheeting and has a large number of ventilation gaps which appear to be covered by polythene sheet. The sound insulation of this wall could be significantly improved by closing the gaps and adding a section of stoothing wall faced with plasterboard.

It would also be possible to construct an enclosure within the building to house the noisier equipment.

In the opinion of the author of the Acoustic Report there is no indication that the activities of the joinery should result in any adverse reaction from a normal member of the public and environmental noise impact should not therefore adversely influence the planning application.

Considerations used in arriving at this conclusion are summarised below:

Although no 'original use' data is available it is strongly believed that the application for 'change of use' of the premises results in a lower environmental noise impact than that for which planning permission currently exists.

An assessment according to BS4142 shows that for very short periods the exceedance of the noise from the joinery over the background noise level could theoretically give rise to complaint but this is a case where the use of BS4142 is open to question.

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**Noise Mitigation and Report Conclusions (continued)**

The absolute noise levels are low and the duration of any adverse levels is short. Typically the overall noise impact is no worse than normal domestic noise impact resulting from lawn mowers, motor vehicles, DIY and barking dogs etc.

An assessment using the IEMA 'Guidelines for Environmental Impact' indicates that the environmental noise impact is at worst 'slight'.

Inside the cottages there is no evidence of any noise impact and the external areas mostly affected are not areas which require peace and quiet for recreational purposes.

**Conclusion**

The main consideration with regard to this application is the noise impact on the neighbouring properties. The acoustic assessment of this matter summarised above states that the joinery should not result in any adverse impact on the neighbouring residential properties. The report states that whilst mitigation is not considered to be required, there is scope to reduce the level of noise emitted from the joinery should this prove necessary. A condition has been added stating that all of the eastern wall of the application property should have a stoothing wall faced with plasterboard erected within two months of the date of approval. The report also states that some of the noisier equipment could be housed within an enclosure. This has not been conditioned, however an informative has been added to advise the applicant that the creation of internal enclosures for joinery use 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.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including noise attenuation measures, so as to deliver sustainable development.