

**Parish: Shipton**  
Ward: Easingwold  
**2**

Committee Date: 15 October 2020  
Officer dealing: Mark Simmonds  
Target Date: 29 July 2020

Date of extension of time: 22 October 2020

**20/00848/FUL**

**Proposed demolition of existing restaurant and removal of existing railway carriages currently used as bedroom, dining and storage accommodation. Erection of new hotel with car parking, including a bar, restaurant and gym.**

**At the Sidings Hotel and Restaurant Shipton By Beningbrough North Yorkshire YO30 1BT**

**The application is referred to the Planning Committee for determination given that the proposal is for major development**

## **1.0 Site, Context and Proposal**

- 1.1 The application site comprises The Sidings Hotel and Restaurant located to the south west of Shipton by Beningbrough. The site lies within the York Green Belt. The site extends along the East Coast Main Line and access to the site is currently taken from Station Lane, approximately 260 metres from the junction with the A19 to the east. The existing building is predominantly single storey and relatively small along with several old railway carriages that have been adapted and linked to provide a restaurant, event space and en-suite bedrooms.
- 1.2 The application seeks permission to redevelop the existing 10 bedroomed hotel (provided for by the carriage conversions) and restaurant site in order to provide for modern facilities. The applicant states that the current hotel is not keeping up with demand or meeting the expectation of visitors. The Design and Access Statement and the submitted plans set out the proposed design and materials. The proposal incorporates living walls and green roofs together with more traditional building materials. The applicant states that the green roofs add to the insulation properties of the roof and as such reduce the heating and requirements for any built structure. The metal roof elements would be used to harvest rainwater for flushing W.C.s, where possible.
- 1.3 The existing building and structures would be cleared from the site and the proposed new building would be a two storey structure. The proposed new hotel would provide for 82 bedrooms. The proposal also provides for a new car parking area running along the side of the railway line, utilising an unused wedge shaped piece of land.
- 1.4 The proposal is supported by documents including a Planning Statement and a Design and Access Statement and an Economic Statement.

## **2.0 Relevant Planning History**

2.1 19/01845/FUL. Proposed demolition of existing restaurant and removal of railway carriages and the construction of a new hotel and additional parking. Refused planning permission on 9 December 2019. Reasons for refusal were:

1. The proposed construction of the new hotel is inappropriate development within the Green Belt. The proposed replacement three storey building is materially larger than the one it replaces which is mainly a single storey building and would therefore have a greater impact on the openness of the Green Belt causing substantial harm. The employment opportunities and contribution to the local economy of the proposed hotel have been considered and are not 'very special circumstances' that would outweigh the significant harm to the Green Belt. The proposal is therefore contrary to the Local Development Framework Policy CP4 and DP9 and the NPPF chapter 13 and particularly policies 143-145.

2. The proposed three storey form, urban design and stark exterior would be an incongruous feature in the landscape that fails to protect the character of the area and the village environment within this countryside setting contrary to Hambleton Local Development Framework policies CP1, CP4, CP16, CP17, DP10, DP30, DP32 and DP33.

## **3.0 Relevant Planning Policies:**

3.1 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP9 - Development outside development limits  
Development Policies DP25 - Rural employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at: <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

The relevant policies of material consideration are:

Policy S6 - York Green Belt

Policy S5 - Development in the countryside

EG7 - Rural businesses employment

E1 - Design

CI2 - Transport and accessibility

RM3 - Surface water and drainage management

## **4.0 Consultations**

### **4.1 Shipton by Beningbrough Parish Council – The Parish Council comments are set out below:**

The Parish Council noted that the new application shows that the new proposal has fewer room numbers, a lowered building and changed parking, however the objections that were made for the original plan are still felt to be relevant, the response previously was:

Increased traffic: The development proposed is much bigger than that which is currently on the site in relation to numbers of bedrooms. The junction at the south end of Shipton from the A19 onto the road leading to the site is already known to be dangerous with frequent accidents. There is a concern that additional traffic from the development will make this worse and potentially cause more accidents. In addition, the approach to the site from Shipton village will be via Station Lane. This road has a primary school on it and there are already considerable concerns with the current level of traffic on this road due to the inadequate pavements making it unsafe for pedestrians. Additional traffic will exacerbate this issue. Public transport does not go to the site – the village is serviced by infrequent public busses but there are no footpaths between the site and the village, making public transport to the site not viable. The Parish Council note there is no highways consultation report and would like to enquire why this is not considered necessary?

Visibility and Appearance: It is felt that the development does not reflect the nature of the village in appearance. While it is understood that there is a small industrial estate further up the road, Cllrs feel that the development should be in keeping with the village, and not with the industrial estate. The scale of the development also seems incongruous to the local area: it is a very large building for a small greenfield site on the outskirts of a small village with little infrastructure. It is felt that it's size and nature will be overwhelming in terms of what is there currently and with respect to the village itself.

- 4.2 NYCC Highways Authority – Advise that the submitted plan shows a hedge and trees planted immediately adjacent to the carriageway which will be in the visibility splays from the access. The drawing also shows a distance of approximately 2 metres between the front elevation of the building and the edge of the existing carriageway with a 1.5 metre path and hedge within that area. There is a potential encroachment and visibility problem on the highway verge which requires further clarity.
- 4.3 Environmental Health Officer – Advise that there will be no significant impact on local amenity. Therefore the Environmental Health Service has no objections.
- 4.4 Yorkshire Water – Advise that the previous comments and conditions in Yorkshire Water's letter dated 15th October 2019 on planning application 19/01845/FUL, still apply for the proposed development as follows: If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.
- 4.5 Kyle and Upper Ouse Internal Drainage Board offer general advice.
- 4.6 Yorkshire Wildlife Trust – Advise that this application includes the demolition of the existing hotel. Therefore an assessment of bat roost potential would need to be undertaken by a licensed bat surveyor. In line with case law and ODPM circular 06/2005 (para 99), the LPA has a duty to consider impacts upon protected species prior to determination.
- 4.7 MOD Safeguarding – No safeguarding objections.
- 4.8 Publicity comments – Three letters have been received of which the comments are summarised below:
- Large size, visually obtrusive, in pursuit of profit
  - Poor design, appropriate for an industrial estate rather than the countryside/village
  - Great care given to the development and construction of the original business/buildings by the original owner
  - Speed of traffic that approaches the village from the Skelton direction and highway safety concerns
  - Additional traffic entering and exiting the site
  - No footpath or cycle path making the journey risky, particularly with the amount of HGV traffic
  - Development will be a good thing and will be a welcome boost to the vitality of the village amenities

## **5.0 Analysis**

- 5.1 The main issues to consider are: i) the principle of (re-) development in the green belt ii) impact on the character of the area and design; ii) impact on residential amenity; iii) highway safety and accessibility; iv) impact on ecology/nature conservation; v) impact on the local economy; vi) drainage.

## 5.2 The Principle of (Re-) development in the Green Belt

- 5.3 The relevant LDF Policies are; CP1, CP4 and DP9 and DP25. Policy CP1 sets out the criteria for demonstrating compliance through the encouragement, protection and or enhancement of a number of environmental, social and economic aspirations. The submitted proposals do not demonstrate clear compliance with the criteria in this policy.
- 5.4 Policy CP4 states that development in the countryside will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where a number of criteria are met, to achieve the following – (i) it is necessary to meet the needs of farming, forestry, recreation, tourism or (ii) it is necessary to secure a significant improvement to the environment (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or (v) it would make provision for renewable energy generation, of a scale and design appropriate to its location; or (vi) it would support the social and economic regeneration of rural areas. Whilst the proposal is for tourism related development, it is considered that no clear case has been made for the scale of the proposed development and as such the proposals are not considered to clearly meet any of the criteria set out in this policy.
- 5.5 Policy DP9 sets out the circumstances in which development will be acceptable outside the settlement limits. DP9 states that permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. It is considered that the proposals do not comply with Policy CP4 and the replacement building is not assessed as a more acceptable development. Therefore the proposals are considered to be contrary to Policy DP9.
- 5.6 Policy DP25 states that employment development in locations outside of the development limits will be supported if all the following apply: it is small in scale, it comprises conversion and re-use or replacement of existing rural buildings of sound construction, the development is not capable of location within a settlement with development limits by reason of the nature of the operation of the absence of suitable sites, it is supported by an appropriate business case which demonstrates that support will be provided to the local economy and the development would not adversely impact on the economy of the service centres. It is considered that the proposed would not meet all criteria as the proposal is not considered to be small scale.
- 5.7 One of the fundamental considerations in the assessment of this proposal is the effect on the openness of the Green Belt. The National Planning Policy Framework (2019) (NPPF) sets out the government's position and guidance with regard to the Green Belt and is a material consideration of significant weight.

Paragraph 143 of the NPPF sets out that development which is classed as 'inappropriate' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 5.8 Paragraph 144 of the NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.9 Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this that are relevant to the case are;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Policy S6 of the emerging Local Plan encourages proposals for the beneficial use of green belt to achieve opportunities, provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 5.10 As set out in the applicants supporting statement, whilst the replacement of a building in the same use is acceptable in the Green Belt the proposed building is materially larger than the building it replaces (Paragraph 145 of the NPPF). In respect of the redevelopment of previously developed land, the NPPF seeks to ensure that proposals do not have a greater impact upon openness than the existing development. Therefore, whilst the replacement of the building in the same use and some limited reasonable proportionate increase is acceptable, the proposals should not have a greater impact on the openness of the Green Belt.
- 5.11 The online Planning Practice Guidance also identifies that openness is capable of having spatial and visual aspects-in other words the visual impact of the proposal may be relevant, as could its volume. It is considered that the proposed development does have a greater impact on the openness due to the significant increase in scale, size, extent and volume of the proposed building over the existing small scale, low level buildings on site and the increase in height to two stories, particularly within the context of the open flat landscape. It is considered that the development impacts harmfully on the visual openness of the Green Belt, would be prominent and dominant being easily visible in the surrounding flat and open area and would impact on the visual amenity enjoyed by users of the area. It is considered that this would result in harm arising from the proposals.

- 5.12 With regards to paragraph 143 of the NPPF and consideration of 'very special circumstances' (VSC) The applicant sets out the case for VSC in the 'Planning Statement relating to Revised Proposals' submitted with the application as follows:
- 5.13 In respect economic benefits, in the applicants view, the site already contributes to the economic and cultural life of the village, and is the established use for the site. Green Belt as well as other policies support the retention of the use, and improving its economic contribution to the local area (and district as a whole). When assessing planning merits, decision-makers regularly (particularly given various ministerial statements and the thrust of the NPPF), take economic benefits into account when allowing Green Belt development (this being the first of the three objectives set out by the NPPF when seeking to achieve sustainable development).
- 5.14 Accompanying this submission is a separate Economic Statement that seeks to analyse the "impact" that the proposals will have, in the applicants view and seeks to demonstrate the benefits that may arise locally and at the wider level. This relates, in the applicants view, to 'significant benefits arising from the capital investment and employment generated during construction. Turning to the operational stage, not only would existing employment be retained, but there would be a significant increase that would be available not only at a district level, but with a significant component picked-up at the local level. In addition to the direct spend by visitors there are spin-off benefits and indirect benefits for other businesses within the area. Indeed, the economic benefits would be substantial, and would lead to associated social benefits'.
- 5.15 The specific benefits set out by the applicant are as follows:
- The creation of 48 direct full-time equivalent (FTE) construction jobs over the 12 month build period.
  - The provision of a further 56 full-time equivalent jobs (gross) in the wider economy over the build period due to the construction industry's heavy reliance on an extended and varied supply chain.
  - A total construction cost of around £5.5m (measured works only).
  - Create 40 full-time equivalent jobs (gross) once fully operational. In terms of total jobs (full and part time), a minimum of 51 jobs are likely to be created by the hotel. By comparison, the existing hotel provides 10 full and part time jobs.
  - The opportunity for work locally, which accords with the Council's sustainability objectives, as significantly more than half of those in employment in the village commute out to work.
  - Generate GVA of £1.041m (gross) annually (based on employment) once the hotel and associated facilities are fully operational, and £3.689m of direct GVA from construction activity during the build period. Taking into account the wider economic benefits that occur through construction activity, the total additional GVA created (gross) would be £3.308m. By comparison, the existing hotel generates operational GVA of £0.182m per annum (assuming H&CA employment densities).

- Generate £0.793m of wages per annum once fully operational. By comparison, the existing hotel should generate £0.132m per annum (though the actual figure appears to be lower due to various issues).
- Generate a minimum of £2.47m of expenditure from overnight visitors to the hotel. By comparison, the existing hotel (assuming an occupancy rate reflective of Y&H averages) generates £0.307m per annum.
- Of the overnight expenditure from visitors to the proposed hotel, a proportion of spend covers accommodation, travel and eating/drinking, but a significant £0.519m per annum can only be spent on shopping and entertainment at shops and facilities located outside of the application site during their stay. The existing hotel generates £0.064m – a difference of +710%.
- Generate annual business rates revenue from new development of around £100,000.

- 5.16 It is advised by the agents that as these figures are generated using robust data sources that have been accepted by decision makers, including inspectors, they represent a significant benefit to the local and wider economy.
- 5.17 Collectively although all of the above are valid considerations, it is not considered that they are Very Special Circumstances that would individually or collectively clearly outweigh the harm to the Green Belt by reason of inappropriateness, and other harm identified resulting from the proposal. The proposal therefore fails to comply with paragraphs 143, 144 and 145 of the NPPF.

### **Impact on the Character of the Area and Design**

- 5.18 The area is outside the built form of the village and is accessed off a road from the A19 to the east that also leads to a number of commercial entities. Policy DP32 states that development must seek to achieve creative, innovative and sustainable designs that take into account local character and settings. CP17 also promotes high quality design.
- 5.19 Policy DP10 states that permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. DP30 seeks to protect the character and appearance of the countryside. Policy S5 of the emerging Local Plan seeks to safeguard the character, appearance and environmental qualities of the area with Policy E1 requiring development to be of a high quality.
- 5.20 The landscape is relatively flat and open with low hedgerows interspersed with uniform agricultural buildings. It is considered that although the proposed building has been reduced in height from the previous three storey design it does not successfully integrate with its rural surroundings or reinforce local distinctiveness, being of an urban block form, scale and design which is considered incongruous to its setting and the character of the area. The design is considered to be an unbroken mass of brickwork in an obtusely angled 'V' shape form broken up with a significant number of uniform windows resulting in a basic, stark visual design detail. Furthermore the proposed expanse of car parking is not considered to be sympathetic to the rural setting.

- 5.21 The large two storey building on the outer edge of the village would result in a significant increase in visual impact compared to the existing building and structures which are considered to reflect the context of the local environment. It is considered that the proposal would have a substantial intrusive impact, adversely affecting the character and appearance of the area and the approach to the settlement. It is considered that the scale, form and design would be harmful and contrary to Policies DP30, DP32, CP17 and DP33.

### **Impact on Residential Amenity**

- 5.22 There are no close residential properties that would be directly affected by the building itself or even the increased use. Mill House is the nearest property but is some distance from the site. The potential increase in traffic may be a factor when utilising the rear access, however this is not the main entrance point for this dwelling and as such no significant impact can be anticipated. It is noted that the site lies adjacent to the railway line, however the site is used for the proposed use at present and it is noted that Environmental Health Officers have not raised concerns regarding this matter. Appropriate conditions can be imposed to ensure satisfactory amenity is maintained.

### **Highway Safety and Accessibility**

- 5.23 The applicant has submitted an amended plan to seek to address concerns raised by the Highways Authority. However, the submitted plan shows a hedge and trees planted immediately adjacent to the carriageway which will be in the visibility splays from the access. The submitted plan also shows a distance of approximately 2 metres between the front elevation of the building and the edge of the existing carriageway with a 1.5 metre path and hedge within that area and there is a potential encroachment and visibility issue on the highway verge which requires further clarity.
- 5.24 However, it is considered that the issue of sightlines could be resolvable through the submission of an amended plan and/or appropriately imposed conditions. The concerns raised regarding traffic and highway safety are acknowledged and noted. However, it is acknowledged the Highways Authority made no objections to the previous application submitted, which entailed 101 rooms, subject to the imposition of planning conditions relating to construction of the access, parking, and construction management plan.

### **Impact on Ecology and Nature Conservation**

- 5.25 The formal response from the Yorkshire Wildlife Trust sets out the requirement (as this application includes the demolition of the existing hotel) for an assessment of any bat roost potential. In line with case law and ODPM circular 06/2005 (para 99), the LPA has a duty to consider impacts upon protected species prior to determination.

- 5.26 A survey has been submitted. The conclusions of this report are that the hotel has little potential to support roosting bats and is considered to be of negligible interest to bats. No further surveys are required and there are no statutory constraints to the development of this site from the presence of bats. Mitigation and compensation measures have been prescribed. As such it is considered that the proposal is unlikely to significantly impact on ecology interests.

### **Impact on Local Economy**

- 5.27 Both Local Development Framework policy and that contained within the emerging Local Plan, look to support the local economy. Along with the discussions elsewhere in this report regarding Local Development Framework policy, Policy EG7 of the emerging Local Plan supports employment development in locations outside the main built form of a defined settlement. Policy EG8 allows new visitor accommodation outside settlement boundaries where it can be demonstrated that the scale, form, layout and design of the proposed development is appropriate to its location and would not harm the character, appearance or raise amenity concerns in the surrounding area.
- 5.28 The Publication Draft focuses on growing the district's visitor economy. The justification for supporting new visitor accommodation is provided in the supporting text to EG8: "Although the district contains a range of visitor accommodation, from camping and caravan sites and self-catering accommodation to bed and breakfast establishments and small hotels, there is scope to increase this range in terms of size, quality and type".
- 5.29 The proposal takes support from these policies as well as having positive impact on local economy and job creation. However it is not considered that this clearly outweighs inappropriate development within the Green Belt and the harm that is considered would arise.

### **Drainage**

- 5.30 The proposal is intended to utilise the main sewer. Yorkshire Water have advised that the site shall be developed with separate systems of drainage for foul and surface water on and off site. This matter can effectively be enforced by way of appropriately worded conditions.

### **Planning Balance**

- 5.31 The benefits of the proposed development have been considered. However, the benefits of the proposed development are not considered, individually or cumulatively to amount to "very special circumstances" as required by guidance set out in the NPPF and do not outweigh the identified harm to the openness of the Green Belt or the character of the area by reason of the scale and design. The design of the development is not considered to constitute high quality development. The proposal is therefore contrary to DP10, DP30, DP32, CP16, CP17 together with Policy S6 of the Hambleton Local Plan Publication Draft July 2019 and Paragraphs 143-145 of the NPPF.

## 6.0 Recommendation:

6.7 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

1. The proposed hotel is considered to be inappropriate development within the Green Belt. The proposed replacement two storey building is materially larger than the one it replaces which is mainly a single storey building and associated railway carriages. The proposal would therefore have a greater impact on the openness of the Green Belt causing harm. The employment opportunities and contribution to the local economy of the proposed hotel have been considered and are not considered to comprise 'very special circumstances' that would outweigh the harm to the Green Belt by way of inappropriateness and identified harm. The proposal is therefore contrary to the Local Development Framework Policy CP4, DP25 and DP9 and the NPPF (2019) chapter 13 paragraphs 143-145.
2. The proposed two storey form, unbroken urban design, stark exterior, and unsympathetic site layout with an expanse of car parking, would form an unacceptably incongruous feature in the landscape that fails to protect the character and appearance of the area within this countryside setting contrary to the Hambleton Local Development Framework policies CP1, CP4, CP16, CP17, DP10, DP30, DP32 and DP33 and the guidance within the NPPF (2019).