

15/02512/FUL

Construction of Use Class A3/A4 public house with parking, associated works and removal of trees as per additional information received by Hambleton District Council on 5th February 2016 at land adjacent Barkers, Finkills Way, Northallerton for Marstons Pubs and Taverns Limited.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Full planning permission is sought for the construction of a new public house/restaurant together with associated works including car parking, access arrangements and landscaping.
- 1.2 The application site is part of a former factory site. The area surrounding the site is generally built up with retail units to the north and west of the site (former B&Q and Barkers Furniture Store) and is in a prominent location adjacent to the A167 and B6271 Yafforth Road. Willow Beck runs along the western edge of the site. To the south of the site is a large area of open space again associated with the demolished factory.
- 1.3 The proposed development would have a footprint of 532 sqm. It is proposed that the public house/restaurant be positioned to provide maximum public visibility to the public road frontage along with a layout to cater for parking, deliveries and external landscaping. To the west and north of the public house there would be an outdoor amenity area providing seating and a children's play area. The various elements of the public house/restaurant would be arranged around a central service core to conceal the least attractive elements of the development with equipment and plant located on a flat roof above the main core. This flat roof element would form part of a mansard providing a recessed well to hide air conditioning and other plant. The application also proposes ancillary staff accommodation in an upper floor of the building. It is Marston's policy to have a member of staff on site at all times for management purposes as well as security of the property and as such this accommodation is ancillary to the operation of the public house/restaurant. The public house/restaurant would have a maximum height (to ridge) of 9.8 metres for the accommodation block, although the majority of the building would be single storey and no more than 7.2 metres in height. The public house/restaurant element would be approximately 182 sqm in footprint measuring 15.4m by 11.8m (maximum dimensions).
- 1.4 The vehicular access to the site would be from a new access road off Finkills Way. Bus stops are located to the south of the site on the High Street, across Willow Beck with further bus stops located on Standard Way west of the site. Four cycle stands capable of holding 8 cycles are proposed for customer and staff use.
- 1.5 Additional landscaping is proposed around the perimeter of the site and the scheme includes 5 separate seating areas which incorporate extensive ornamental planting. Larger tree standards would be planted along the western boundary to provide screening.

- 1.6 A Flood risk Assessment was commissioned to support the planning application. The site lies on the right bank of Willow Beck, which is known to have flooded in 1979 and 2000. The flood risk for the development site was analysed utilising detailed modelling techniques. The flow hydrology was based on flow data provided by the Environment Agency. Water levels were calculated for the existing and proposed landforms. The ground models were used to calculate the volume of storage above ground level at 0.1m intervals. The results confirmed that the proposed development will result in additional flood storage. A number of flood risk mitigation measures in line with the recommendations of NPPF have been included within the proposed site plan. These include a finished floor level (FFL) of 39.6m AOD this being 0.94m above the 1 in 100 year flood level of 38.66m AOD provided by the Environment Agency and 0.58m above the highest recorded flood level.
- 1.7 It is understood that the existing site drainage system discharges via an un-attenuated gravity connection directly into Willow Beck. As part of this application a new attenuated drainage system is to be installed with a restricted discharge directly into Willow Beck limited to 10 litres per second. On site attenuation would be provided to accommodate the 1 in 100 year storm event plus 30% allowance for climate change. This would equate to an approximate 57% reduction from current discharge rates which would effectively reduce the site's contribution to off-site flooding.
- 1.8 With reference to foul drainage a pre-planning sewerage enquiry has been made to Yorkshire Water. The foul water from the proposed restaurant/public house development would be discharged via a gravity system into the existing 300mm diameter Yorkshire Water sewer located within Yafforth Road. All private drainage works would conform to part H of the current Building Regulations and BS EN 752.
- 1.9 Through the course of the application additional supporting information has been submitted with regard to the marketing of the site and the sequential test in terms of the location of the proposed development this includes a detailed statement from Mr Fordy, who has acted as agent marketing this site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning or enforcement history

3.0 RELEVANT POLICY

- 3.1 The relevant policies are:

Allocation NE2 Yafforth Road/Finkills Way Northallerton (0.76ha) - allocated for business development (B1)

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP14 – Retail and Town Centre development

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP17 – Retention of employment sites

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains

National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council – No observations
- 4.2 Highway Authority – No objection subject to standard conditions. No additional comments in respect of further details submitted.
- 4.3 Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the original flood risk assessment and additional FRA addendum ref 2015s2925 dated Oct 2015, submitted with this application are implemented and secured by way of a planning condition on any planning permission. Further standard conditions are recommended. No further comments with regard to additional information received.
- 4.4 Environmental Health Officer – No objection. No further comments following additional information.
- 4.5 Network Rail – No objection subject to conditions.
- 4.6 Economic Development – We are supportive of this application. It contributes to the on-going development of Northallerton and brings back into economic use a site that has been vacant for a considerable length of time.
- 4.7 Swale and Ure Drainage Board - Please condition approval of the Surface Water drainage scheme prior to commencement.

Further comments:

Surface Water discharge control peak volume is set against an assumption that the pre-condition of the site generates 23 litres per second. However, it is clear that the site has been cleared for some considerable time and I do not accept therefore that this is the true situation. Although there is considerable impermeable surface I doubt this is formally drained now. I would therefore repeat my previous comment that the Board would want to see the SW discharge controlled to the de-minimis value of 5 litres per second unless it can be demonstrated that positive drainage of 23 litres per second is reaching the Willow Beck in the site's current condition.

- 4.8 Ancient Monuments Society - No observations
- 4.9 NYCC SUDS and Development Control Officer - confirms that as the proposals are not for major development we do not wish to make any comments on this occasion. No additional comments on additional information.
- 4.10 Northallerton and District Local History Society – Detailed comments have been submitted. They particularly refer to the heritage of the surroundings to the site and comprise notes regarding their importance and future potential.

The whole ought to be properly regarded as it was in the distant and recent past, as a significant gateway into the town from the north. It should be seen to be important, with its natural and built assets presented to view in a well-considered and coherent landscape. This means that all changes are crucial, especially any new construction. Of particular concern is any impact on the listed North Bridge and its curtilage:

- The site area should not abut or run along the parapet wall;
- Nothing may be done to adversely affect this structure in any way;
- The proposed details do not recognise these requirements; and
- Any work in the area should improve and not detract from access and appearance.

- 4.11 FT Construction has written in support of the application stating that it forms part of the first phase of a major redevelopment of the wider site and is a vital key stage to unlocking further investors in what is an extremely fragile market. They also state that they have firm interest for a further part of the site which will also involve the relocation of Langtons who are a steel fabricating business, and formation of a stunning riverside footpath which will bring added value to the town with investment from new operators and more jobs for local people. FT Construction state that this application follows lengthy negotiations which will now be in jeopardy with momentum slipping away from the project since this application should have been determined in January and it is becoming increasingly difficult to persuade those people who have committed to the site not to divert their resources to other sites in Yorkshire.
- 4.12 Public comment – One objection has been received and can be briefly summarised as:
- Heritage assets need to be considered and in particular the listed bridge;
 - Pointless new fence;
 - Connecting footpath links;
 - Concerns about the flooding strategy and impact on the area; and
 - Various information from all parties on flooding needs to be brought together in a coherent manner.
- 4.13 A detailed submission has been prepared by Martin Woolley, Landscape Architect, Dave Sargent, Landscape Architect, Matt Millington, Ecologist, John Parkinson, Local Historian and Malcolm Barnett, Landscape Architect. In brief this raises the following points:
- Local Plan Allocation text highlights the prominence of the site and the requirement for the development to enhance the approach into Northallerton and to be of a suitable high quality design and landscape scheme.
 - The submission does not recognise the historic sensitivity of the area, the prominence of the site and the significance of the site's values and those of its overall landscape context.
 - The prominence and sensitivity of the site is heightened by its close proximity to the boundary of the extensive conservation area that encompasses the whole of the town's historic core.
 - Existing tree belt bordering the site is part of the historic tree belt and parkland tree layout that forms the setting to the Grade 2 listed building of The Mount.
 - The site is bounded by North Bridge on its north- east boundary. North Bridge is an historic stone John Carr Grade 2 listed structure..
 - Historic character of setting of North Bridge has been significantly damaged by the recent realignment of North Beck, which flows along the eastern boundary of the site, and the removal of many mature waterside trees. It is essential that the high quality landscape scheme restores the historic tree'd and wooded setting of the Bridge and the character of North Beck as a valuable and attractive wildlife corridor and also sympathetically stabilises the raw and eroding banks resulting from the engineering operation.
 - North Beck corridor provides important long term potential to provide a pedestrian [and possibly also a cycleway] routeway linking North Northallerton and the centre of Northallerton.
 - High quality landscape scheme is an integral element of the proposal for this prominent site. Full details of scheme, including tree management, planting, topography, surfaces, protection, soils, technical specification, establishment, maintenance, long term management and associated commitments to implement schemes, to be included as an integral component of submission.

- We object to the scheme as proposed as it is not sympathetic to the character and sensitivities of the site and of the surroundings nor to the opportunities to enhance the approach to Northallerton and restore local character and to integrate the site into the wider context.

Further comments following receipt of additional information:

- Welcome the footpath proposals
- The submission does not recognise the significance and sensitivity of the site as a gateway to the town.
- The submitted information addresses elements of landscape in isolation
- The submission and comments do not appear to recognise the all-encompassing nature of landscape and the important formative, strategic and essential integrating role that landscape plays in site planning and design.
- The Local Plan Allocation text highlights the prominence of the site and the requirement for the development to enhance the approach into Northallerton and to be of a suitable high quality design and landscape scheme.
- We therefore recommend that an holistic and strategic landscape scheme be prepared and submitted as an integral part of the application
- High quality landscape scheme is an integral element of the proposal for this prominent site.
- We re-iterate our objection to the scheme as proposed as it is not sympathetic to the character and sensitivities of the site and of the surroundings nor to the opportunities to enhance the approach to Northallerton and restore local character and to integrate the site into the wider context.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case are (i) the loss of employment land, contrary to the LDF allocation; (ii) whether the site has been suitably marketed in order to address the question of the allocation and use of the site for B1 and B2 uses; (iii) whether there are alternative sites which would have less impact on the vitality and viability of the Town Centre (sequential assessment); (iv) whether the proposed design and landscaping is suitable given the context of the site; (v) whether the site would be at risk of or impact on flood risk; and (vi) whether the proposed development would have any detrimental impacts on the local highway network or road safety. Finally, as the development would not accord with the Development Plan allocation for the site, it is necessary to consider the planning balance and whether other material considerations provide support for the development.

Loss of employment land

- 5.2 The application site is allocated for employment use (part of NE2). Subsequent to allocation the site was assessed by consultants GVA who were commissioned to undertake the Employment Land Review (ELR), published in 2014. Within the ELR assessment the site is noted as suitable for general industrial use with potential to attract regional occupiers and the ELR recommends protecting NE2 (the application site) alongside allocations NM5E, NM5D (North Northallerton) for employment uses into the future.
- 5.3 Together these sites are considered to be sufficient to meet the demand for employment land within Northallerton's Functional Economic Market Area (FEMA).
- 5.4 Given the allocation and the assessment more recently through the ELR, it is necessary therefore to consider the supply position across the FEMA and the relative demand for other uses in line with DP17 and paragraph 22 of the NPPF.

- 5.5 With regards to the supply, the ELR noted that the supply was sufficient to meet the demand within Northallerton. However it also considered that 11.5 hectares of that supply was on one site and that other sites could be argued to be needed in order to ensure choice in the Market. Currently other allocated employment sites within Northallerton are under pressure from development for other uses, there is an application for housing development at NE1 further west on Yafforth Road, and the current application at North Northallerton sought permission for only 3250 sq.m of employment land (15/0183/HYB), the allocation was for 5.8 ha within NM5D and a further 5.7 hectares at NM5E (it is understood that NM5E did not form part of the current North Northallerton site). There is potential for other employment sites, non-allocated, to come forward and boost supply. Additional sites were assessed as part of the ELR and three potential additional sites were considered to be fairly high scoring and could be considered in a future plan should demand be sufficient. These were land south of Finkills Way (0.15 hectares), a reasonably small site, with no prominent road frontage, land at Mount View Business Park, Standard Way, again with no prominent road frontage, and Northallerton Prison Site (3.06 hectares). The Central Northallerton Masterplan indicates that the Prison site is likely to be mixed use. Whilst there are other potential sites available for employment use, the application site provides a higher quality site, based on the ELR assessment. It should also be noted that these potential sites were sites put forward for consideration during the preparation of the allocations document. Further work would be needed to understand the current availability of these sites.
- 5.6 The recent call for sites included sites for employment uses. This call for sites closed on the 19th February 2016. The sites are yet to be assessed for suitability, viability and deliverability. The amount of land available for employment remains to be determined.
- 5.7 The application site has been marketed, but the agent states that there has been little interest in employment use on the site. The economic development team have recently carried out a survey of businesses within Hambleton's industrial estates, the findings of which will help support an up to date picture of demand for sites. Interim findings are expected shortly. This will support the review of the ELR. The site has been vacant since before 2001 and has been marketed throughout this period
- 5.8 It acknowledged that the proposed use provides an active use of this vacant site and that jobs will be provided. It is also noted from the retail and town centre use study that there is scope for additional leisure including family restaurants within Northallerton. However, at present there is insufficient information on local supply and demand dynamics to fully understand the impact of the loss of this site for employment use.
- 5.9 Paragraph 24 of the National Planning Policy Framework states that "Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up to date local plan. They should require applications for main town centre uses to be located in town centres, then an edge-of-centre location and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale".
- 5.10 The site is (partly) within the NE2 allocation within the adopted Hambleton Local Development Framework. The site is allocated for business development (B1) subject to:
- Flood alleviation measures being in place prior to any development of the site;

- High quality design and landscaping being incorporated into any development proposal to enhance the appearance of the development on site; and
 - Developer contributions being secured towards the construction of the North Northallerton Link Road and, if required drainage and sewerage infrastructure.
- 5.11 DP17 sets out the Council's commitment to retaining employment sites. It states that alternative land uses (i.e. non-Class B uses) will not be granted unless one of four listed criteria is satisfied. These are:
- i The supply and variety of available alternative employment land is sufficient to meet District and local requirements; or
 - ii Evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
 - iii There would be substantial planning benefit in permitting an alternative use; or
 - iv Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.
- 5.12 NPPF paragraph 22 states that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".
- 5.13 With regard to the supply of alternative employment land (DP17 criterion i), the Employment Land Review noted that the supply was sufficient to meet the demand within Northallerton. However, this did consider that 11.15 hectares of that supply was on one site and that other sites could be argued to be needed in order to ensure choice in the market. Currently other allocated employment sites within Northallerton are under pressure from development for other uses, there is an application for housing development at NE1 to the west of the application site on Yafforth Road, and the current application at North Northallerton (15/0183/HYB) sought permission for only 3,250 sq.m of employment land whereas the relevant part of the allocation was for 5.8 hectares. There is potential for other employment sites, allocated and unallocated, to come forward and boost supply. Additional sites were assessed as part of the ELR and three potential additional sites were considered to be fairly high scoring and could be considered in a future plan should demand be sufficient. These were:
- Land South of Finkills Way (0.15 hectares) - a reasonably small site, with no prominent road frontage;
 - Land at Mount View Business Park, Standard Way - again no prominent road frontage; and
 - Northallerton Prison site (3.06 hectares) - the Central Northallerton Masterplan indicates that the site is likely to be mixed use.
- 5.14 Whilst there are other potential sites available for employment use, the application site provides a higher quality site, based on the ELR assessment. It should also be noted that these potential sites were sites put forward for consideration during the preparation of the allocations document.
- 5.15 In summary there is concern about the timing of this application in relation to the supply and demand for employment sites within Northallerton and work being done to assess the future needs of Northallerton. As such it is important to take into consideration each criterion under DP17, of particular relevance to this application is

the marketing of the site (DP17 criterion ii), the availability of other local employment sites (DP17 criterion i) and the sequential approach in order to assess whether or not it is reasonable in this case to set aside the allocation and release this land for purposes other than B1 employment uses.

Marketing

- 5.16 Through the course of the application additional information has been submitted regarding the marketing of the site. The information submitted states that the site has been marketed for 4 years with two offers: one for a pub/restaurant and one for a discount food store. The largest majority of enquiries have come from developers, interested in acquiring the property on a conditional basis subject to achieving planning consent most linked to retail proposals. The applicant considers that the lack of interest from the 'employment' sector is partly due to the complex nature of the site including flooding issues but primarily due to the fact there is extensive existing floor space for these categories of uses already built and available in Northallerton as well as the oversupply of existing employment land, both factors summarised in the recent Employment Land Review Report prepared for Hambleton District Council by GVA in November 2013. However, on submission of the application, Officers had concerns with regard to the form that the marketing had taken especially considering that the marketing over the last two years had focussed on retail and leisure uses. The additional information submitted by the applicant and referred to below has largely allayed these concerns.
- 5.17 A letter from Mr Chris Fordy of Fordy Marshall, dated 18 March 2016 sets out additional information with regard to the marketing of the site. The site was purchased by FT Construction Group in 2007 and had been empty at that time for at least five years. The building on site at the time was in poor condition and not suitable for re-use and had been actively marketed for sale by the previous owners for several years without interest. FT construction initially purchased the site with a view to moving their operations from Construction House to this site. These plans were shelved due to a downturn in the economy and flooding issues on the site. FT no longer has plans to move to this site. Extensive re-alignment works of Willow Beck have now been undertaken to mitigate the flooding issues. Prior to marketing following the purchasing of the site plans were drawn up for the site to include a mix of B1 offices, light industrial units and B8 Trade Counter units. However, these plans were shelved due to the worsening economic climate and an oversupply of commercial property in Northallerton. FTs efforts within Northallerton were then re-focussed on other property in Mount View Business Park which they considered to be simpler to bring to market.
- 5.18 FT Construction took their own steps to market the site for business space opportunities prior to Mr Chris Fordy being retained as Agent in 2011 and options were discussed with a number of potential occupiers, but nothing came of any of these approaches. Mr Fordy was then retained as Agent and marketed the Mount View site where 1.26 acres of serviced land remains available and undeveloped today. The Mount View site remains on the market for B1 B2 and B8 uses and Mr Fordy states that this demonstrates the lack of interest in this type of property locally. Dale House, within this development has also been vacant and on the market for 4 years.
- 5.19 In 2011 a new for sale board was erected on the site which simply stated "Prime Development Land". The site was marketed on the basis of the whole of the site or in part or as a design and build opportunity. This was also marketed through the Strutt and Parker web site.

- 5.20 The Instruction then passed to Fordy Marshall in 2013, who has continued to market the site.
- 5.21 During the 9 year period in which the site has been in the current ownership, and offered to the market, Mr Fordy states that there has been a significant oversupply of both offices and light industrial floor space in Northallerton. This has led to stagnant growth in capital and rental values for B1, B2 and B8 property in the town which has heightened the lack of viability for building new facilities on sites such as the application site.
- 5.23 The marketing report submitted shows that whilst there has been interest in the site over the last four years, and previously to that there has been little firm interest, the majority of enquiries have been for car sales, retail and leisure uses. Further, this marketing information reasonably demonstrates that other employment sites are currently available in Northallerton and as such it is considered that the site has been sufficiently well marketed to justify the departure from the allocation for employment uses on this site.

Sequential Assessment

- 5.24 Paragraph 24 of the NPPF confirms that planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be considered. The guidance advises that, when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well-connected to the town centre. Applicants and planning authorities should demonstrate flexibility on issues such as format and scale.
- 5.25 The online Planning Practice Guidance advises that the application of the sequential test should be proportionate and appropriate for the given proposal and sets out the following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well-connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and / or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 5.26 The planning application is accompanied by a Sequential Assessment prepared by Cerda Planning, which seeks to undertake an assessment of the suitability and availability of nine potential sites within and to the edge of Northallerton Town Centre to accommodate the proposed public house/restaurant.
- 5.27 It would appear that Cerda Planning has assessed the locational status of the application site and identified alternative sites relative to their proximity to the Primary Retail Area. However, Annex 2 of the NPPF confirms that for other main town centre uses, which includes the proposed public house/restaurant, edge-of-centre sites are

defined in relation to their proximity to the town centre boundary as opposed to the primary shopping area. It is therefore evident that a number of the identified alternative sites would be classed as in-centre for the purposes of the sequential assessment for the proposed public house/restaurant, whilst the application site would be classed as edge-of-centre rather than out-of-centre given it lies within 300m of the defined Northallerton Town Centre boundary. Notwithstanding this it is considered that the alternative sites were fairly assessed and this is not considered to impact on the sequential test in overall terms.

- 5.28 The submitted sequential test essentially looks at the availability of alternative sites within and adjacent to the Town Centre and assesses them in terms of suitability for the proposed use and their availability. The sites considered were Northallerton Prison, The former Rutson Hospital, Kwik Fit and Northallerton Tyre and Battery, County Business Park, Walter Thompson Builders Yard, Auction Mart site and car park and a site on the corner of Friarage Street and East Road Northallerton.
- 5.29 A third party assessment of the sequential test was also commissioned by HDC to ensure that the approach taken by the applicant was a reasonable one. The Prison site was discounted due to availability and the likely timescales to completion of development. The Vine House at the former Rutson Hospital site was discounted owing to the lack of parking in the vicinity, 50% of the floor space being at first floor level and the lack of external operational space for a play area. The nature of the proposed business, in terms of their floor space, parking requirements and business model is considered to add to the existing food offer within Northallerton. The report commissioned by HDC has confirmed that the conclusions reached in the submitted sequential test are reasonable and that the proposed site is the closest site to the Town Centre which is both available and meets the requirements of the operator.
- 5.30 Overall the site is shown by the assessment to be acceptable when subject to the sequential test. It is considered that the impact upon the vitality and viability of the Town Centre will be minimal as the development site is edge of centre and will enhance the range and choice of public houses which are food led. Officers agree with the applicant's findings so it can also be concluded that the proposal meets the tests of the LDF policies and of the NPPF in these terms.

Design and landscaping

- 5.31 The design of the proposed development has been developed as a series of building elements focused around a central core, evocative of traditional development forms. It is considered that the building height and scale have been carefully considered to ensure that the development would be in balance with its immediate surroundings and in particular the existing road network. To the west and north of the public house there would be an outdoor amenity area providing seating and a children's play area. It is considered that the building has been arranged not only to make the most of the site levels but also to use the building form to establish the site as a destination. The outdoor play area and seating have been designed to attract activity to the frontage but also to consider the inclusion of landscaping. Overall it is considered that the design meets the requirements set out within policies CP17 and DP32 of the Local Development Framework.
- 5.32 The nature and form of the proposed development is relatively low key with a small footprint, but an emphasis on outside space and parking. The parking layout in particular has been amended in order to allow for the creation of a more attractive space close to the Yafforth Road frontage. Generally, the proposal is considered to facilitate a more attractive built form than may have been possible from a B1 or B2 employment use in this location.

- 5.33 Concern has been expressed about the potential impact on the setting of the listed North Bridge. However, the design, form and location of the development on the site is considered to have little impact on the setting of North Bridge and will not detract from the character or historic merit of the bridge.
- 5.34 It is considered that the revised landscaping plan is now a more integrated part of the overall design which would complement and enhance the development. The scheme would create a visually pleasant environment incorporating appropriate planting within the new garden. It is considered that the landscaping scheme is in accordance with Policy DP33 of the LDF.
- 5.35 Concerns have been raised about the lack of a comprehensive landscape strategy for this site and the wider area. These concerns look at issues around the Yafforth Road frontage in terms of the trees and other landscape features and the river frontage. The applicant has sought to address these concerns as far as they are able, given that they have no control over the wider site. The owner of the wider site is aware of these concerns and has agreed in principle to the extension of the proposed riverside footpath link through the wider development although this is not within the application site and would be subject to a future application. Whilst all third party concerns have not been addressed by the proposals Officers consider that the applicant has responded to them as far as they are able and created an acceptable scheme as a result.
- 5.36 Generally the existing trees on the site have been managed based on the previous use although some neglect, tree decline and diminished amenity is noted. As such it is considered that a scheme which increases soft landscape cover and planting space will present a good enhancement opportunity for the site.
- 5.37 Various works are proposed to the trees in the vicinity of the application site in order to improve their overall health and form but also to improve the visibility of the site from the road. The majority of the works involve minor crown raising with only limited tree removal. The proposed works are considered to be acceptable.

Flooding and drainage

- 5.38 The site is within Flood Zone 2. A Flood Risk Assessment (FRA) has been prepared for the scheme. It includes a finished floor level (FFL) of 39.6m AOD this being 0.94m above the 1 in 100 year flood level of 38.66m AOD. It is considered that the information submitted within the Flood Risk Assessment is acceptable and the Environment Agency is satisfied that the scheme can be constructed without detriment, subject to planning conditions.
- 5.39 Planning conditions can be imposed to require the submission for approval of a scheme to meet the requirements of the Flood Risk Assessment of the site and for subsequent compliance with the approved scheme. Such an approach is consistent with LDF policies CP21 and DP43 and the NPPF.
- 5.40 Some concerns have been raised about the run-off figures used within the Flood Risk Assessment and in particular whether or not this assumed that there was any existing drainage on site. The applicant has confirmed that whilst the buildings have been demolished the ground drainage of the site has not been disturbed and is still in place.
- 5.41 The new attenuated drainage system is to be installed with a restricted discharge directly into Willow Beck to accommodate the 1 to 100 year storm event plus 30% allowance for climate change without any off site flooding. This would equate to an approximate 57% reduction from current discharge rates.

- 5.42 The foul water from the proposed restaurant/public house development would discharge via a gravity system into the existing 300mm diameter Yorkshire Water sewer located within Yafforth Road.
- 5.43 Planning conditions can be imposed to require the works are carried out in accordance with the submitted schemes. Such an approach is consistent with LDF policies CP21 and DP43 and the NPPF. The proposed development is considered to improve the impact of the site in flooding terms by reducing the run-off rate from the site. The proposed scheme is considered to accord with LDF policy in these terms.

Highways

- 5.44 Vehicular access to the site would be from the new access road off Finkills Way. The Highway Authority has no objection to the application subject to standard conditions. It is considered therefore that the scheme would not compromise highway safety and the new access is therefore suitable.
- 5.45 The application incorporates a significant parking area which has been redesigned through the course of the application and now provides a total of 51 parking spaces.

The planning balance

- 5.46 In overall terms the scheme is considered to provide a great improvement to the character, appearance and amenity of this part of Northallerton although a number of concerns have been expressed regarding a lack of a holistic approach to the landscaping and drainage of the wider site.
- 5.47 Whilst the proposed development is not wholly compliant with the allocation in terms of seeking a B1 employment use, the proposed Public House will provide an economic use within this part of Northallerton along with an opportunity to greatly improve the visual amenity of the area which has been derelict for more than ten years. It is considered that the marketing, whilst not wholly consistent with the allocation has sufficiently demonstrated that there is no expectation of the B1 occupier coming forward within a reasonable time frame.
- 5.48 Other sites within the Town Centre have been assessed for suitability and availability and none found to be suitable or available within a reasonable time frame.
- 5.49 The design and form of the development and associated landscaping, whilst not ground breaking are considered to be acceptable in this location and will facilitate significant environmental and visual amenity improvements in this part of the town.
- 5.50 The drainage strategy is generally considered to be acceptable, subject to details being provided and implemented through suitable conditions.
- 5.51 Returning to the criteria set out in Development Policy DP17. The policy requires for only one of the criteria to be met to justify the release of allocated land. In this case it is considered that all of the criteria are wholly or partially met.
- 5.52 On balance and taking into consideration all material planning considerations it is recommended that planning permission be granted.

6.0 RECOMMENDATION

- 6.1 That Planning Permission is **GRANTED**, subject to any outstanding consultations and subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
3. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by the Local Planning Authority in consultation with Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway,
4. Because of the nature of the proposed developments it is considered that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged, details which shall be submitted to and approved in writing by the Local Planning Authority.
5. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over the level crossing on High Street adjacent to the site should remain clear and unobstructed at all times both during and after construction.
6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
7. The surface water discharge shall be controlled to the de minimis value of 5 litres per second unless it can be demonstrated that positive drainage of 23 litres per second is reaching the Willow Beck in the site's current condition, details which shall be submitted to and approved in writing by the Local Planning Authority.
8. The developer is required to submit, as a minimum, a Phase 1 Preliminary Risk Assessment, in accordance with the Land Contamination Consultation Criteria Information Requirements and Conditions guidance details of which shall be submitted and approved in writing by the Local Planning Authority.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved original flood risk assessment (FRA) and additional FRA addendum ref 2015s2925 dated Oct 2015, and the following mitigation measures detailed within them: 1. Limiting the surface water run-off to 10l/s, which is approximately a 57% reduction in surface water flow, calculations are to be provided to demonstrate this. The applicant must ensure they provide an absolute minimum of a 30% reduction in surface water run-off from the site; 2. Provision of compensatory flood storage as detailed within the original FRA and FRA addendum and in accordance with drawings 2015s2925-002 and 2015s2925-003; and 3. Finished floor levels are set no lower than 39.6m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway footway shall be a dropped kerb crossing, constructed in accordance with the Standard Detail number E7 Var; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
12. No part of the development shall be brought into use until the existing access on to Finkills Way has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
13. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference H8054/55 Rev D Proposed Site Plan); and c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

16. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
17. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered H8054/50C, 59A, 51C, 52B, 56C received by Hambleton District Council on 5th November 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of rail safety.
3. In the interests of rail safety
4. In the interests of rail safety
5. In the interests of rail safety
6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Local Development Framework.
9. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; and to reduce the risk of flooding to the proposed development and future occupants.

10. In accordance with the policy CP2 and in the interests of highway safety.
11. In accordance with the policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
12. In accordance with the policy CP2 and in the interests of highway safety.
13. In accordance with the policy CP2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
14. In accordance with the policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
17. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP33.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP2, CP12, CP17, DP1, DP3, DP4, DP6, DP32, DP33 and DP43.