

**Parish: Hutton Rudby**  
Ward: Hutton Rudby  
**8**

Committee Date: 18 August 2016  
Officer dealing: Mrs B Robinson  
Target Date: 17 July 2016  
Date of extension of time (if agreed): 19 August 2016

**16/01180/MRC**

**Variation of conditions 2 (drawing numbers), 9 (parking, turning and access areas) & 17 (materials) of planning permission 15/00325/FUL - redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station  
At 36 Garbutts Lane, Hutton Rudby  
For James Hall and Company Limited**

## **1.0 SITE DESCRIPTION AND DEVELOPMENT**

- 1.1 The site includes a single storey former garage/car showroom with hardstanding at the front, open to the road way. Overall dimensions of the existing buildings are 21m x 20m. To the north west there is detached piece of open land, formerly a car park, dimensions 42m x 23m (average) with access on the east side.
- 1.2 Between the forecourt of the building and the detached carpark, a southward access serves four houses at the rear and as a rear access to 34 Garbutts Lane. There is a further access drive westwards from the entrance, serving two properties south of the car park.
- 1.3 The property immediately to the east of the main site is 34 Garbutts Lane, where there is a dwarf wall and high fence along the boundary of the front garden with the application site. Immediately to the west of the car park, there is a single dwelling, Apple Tree House, which has a well-developed hedge, approximately 1.7m high, on the boundary with the former car park.
- 1.4 The location is at the western edge of Hutton Rudby, on the road towards Crathorne and the A19.
- 1.5 The proposal is to vary the design and layout of the previously approved scheme to provide a convenience supermarket, and a small petrol station facility on the former detached car park. The proposed amendments are:
  - Offset store from west boundary, providing access to a new external bin store with 2m high acoustic fence, and entrance to internal stock room, together with a slight offset from the east side; overall reduction of retail floor space from 280 to 249 square metres;
  - On the front of the building the design is amended to alter windows and provide an ATM set in the wall to the right of the shopfront. On the west side a new service door is provided to serve the ATM; and
  - A proposed night hatch has subsequently been removed from the scheme.
  - A further amendment provides an acoustic fence on the outer side of the proposed footpath on the west side of the store. The fence is set back to allow visibility to the ATM service door.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00325/FUL Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station; Granted 26 November 2015.
- 2.2 Three applications to discharge conditions (15/00325/DCN, 15/00325/DCN01 and 15/00325/DCN02) are currently being considered.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP3 - Community assets  
Development Policies DP5 - Community facilities  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council - The Council wish to be assured that the height of the fence will be adequate to protect the residents from noise and light pollution. Siting the ATM outside gives concern as these machines have been the subject of criminal activity in various places.

4.2 Public comment - objections (summarised):

- Anti-social behaviour will arise because the dwarf wall will encourage young people to hang around;
- Noise concerns arising from deliveries along the side of the building. The path should have a full length fence;
- The night hatch will allow 24 hour opening contrary to previous proposal;
- Amenity concerns arising from security measures around doors to the ATM and store room; and
- Inaccuracies on plan - hedge ownership (south side), bridle path not shown, fence now removed, telegraph wires not shown.

4.3 Police Architectural Liaison Officer - Concerns have been addressed and no objections are raised.

4.4 Highway Authority - No objection

4.5 Environmental Health Officer - consider that there will be no negative impact. No objection.

### **5.0 OBSERVATIONS**

5.1 The development has already been approved and the issues to consider are whether the proposed changes to the permitted scheme are acceptable in terms of (i) the appearance and design of the scheme and its impact on the surroundings; (ii) the amenities of neighbours; and (iii) any security and anti-social behaviour concerns.

#### Design

5.2 The overall form of the building remains the same and the proposed changes to the pattern of windows do not have an unacceptable effect on the appearance of the building in the street-scene. The proposed ATM is a feature which would be expected at a development of this type, and is not considered to introduce anything unacceptable in appearance.

- 5.3 The proposed scheme would result in deliveries along the side of the building as opposed to across the frontage and would have the benefit of reducing potential conflict with the movements of customers. Whilst residents have highlighted minor issues with the accuracy of the plans, these would not affect the nature of the proposal or compromise its implementation in line with the recommended conditions.

#### Amenity

- 5.4 In terms of the amenities of neighbours, deliveries along the side path would have most potential effect on 40 Garbutts Lane. However, this property would also be most exposed to noise from deliveries arising from the approved scheme. Properties to the rear of the site, Waban and Glenavon, may experience more noise arising from deliveries than the approved scheme but that is not considered sufficiently harmful to residential amenities to justify refusal on this basis, particularly taking into account the occasional nature of deliveries and the controlled opening hours of the shop. Notwithstanding the above point, the applicant has supplied an amended plan showing the inclusion of an acoustic fence along the length of the side access. An additional condition can be imposed to provide control over any external lighting, if required. As amended, the scheme removes the provision of a night hatch.

#### Security

- 5.5 Concerns raised by the police with regard to the ATM machine and service door have been addressed to their satisfaction and on this basis the scheme as now proposed would not compromise security to an unacceptable extent. Whilst the concerns expressed by local residents are noted, the police comments do not raise similar concerns. The proposed store is understood to replace an existing shop within the village where similar risks might arise, and is not considered so great a concern as to justify refusal of a scheme providing a service in a sustainable location.
- 5.6 Amendments to the scheme provide an acoustic fence to the outer side of the footpath with a set back and secure gate to ensure that the service door to the ATM remains in public view.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P-03 Rev L; P-07 Rev K; P -15A received by Hambleton District Council on 20 May 2016 and 26 May 2016 and 4 August 2016 unless otherwise approved in writing by the Local Planning Authority.
  3. Opening times of the shop and filling station shall be between 07:00 and 22:00 only.
  4. External plant shall be restricted to the number and detail of equipment set out in paragraph 6.4.1 of Miller and Goodall Noise Assessment received by Hambleton District Council 20 February 2014. The equipment shall be installed at ground level, and shall not be operated unless all the mitigation measures contained in the Miller and Goodall Noise Report on page 30 are installed and are maintained to full operational capacity.

5. 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.
6. 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.
7. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicle access; (b) visibility splays at the access; (c) a scheme to facilitate pedestrian movements; and (d) a scheme to promote the use of the car parking spaces within the site.
8. No part of the development shall be brought into use until the approved details approved under condition number 7 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these items shall be maintained retained for their intended purpose at all times
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. P07 rev H for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. 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.
11. No Heavy Goods Vehicles associated with the development shall reverse from the highway into the site.
12. 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 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.

13. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.
14. The proposed safety mitigation measures set out in the approved site layout plan and described in the JMP report received by the Local Planning Authority on the 30 September 2015 shall be fully implemented to the satisfaction of the Local Planning Authority prior to the first opening of the shop or filling station. The mitigation measures shall be adhered to in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
15. Prior to the opening of the store or filling station a detailed traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall seek to ensure that car parking spaces closest to the store are kept available for customers and that the impact of deliveries on parking, access and the local road network is minimised. The proposed scheme shall then be implemented in accordance with the approved details.
16. Prior to the opening of the store or filling station the existing underground storage tanks shall be removed and any necessary remedial action carried out in accordance with the Quantitative Risk Assessment prepared by Geo2 Remediation Limited dated July 2014.
17. 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.
18. No external lighting shall be provided except in accordance with details previously been approved in writing by the Local Planning Authority.

The reasons 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 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 CP16 and DP32.
3. In the interests of the amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework policies CP1 and DP1.

5. 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 CP16 and DP32.
6. In accordance with policy CP2 and DP4 and in the interests of highway safety.
7. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with policy CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In accordance with policy CP 2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In the interests of highway safety.
12. In accordance with policy CP2 and DP4 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
13. To reduce the risk of pollution to the water environment, in accordance with Policy CP21.
14. In the interests of the safety of users of the site and local residents, in accordance with Local Development Framework policies DP3 and DP4.
15. In the interests of the safety of users of the site and local residents, in accordance with Local Development Framework policies DP3 and DP4.
16. In the interests of the protection of the water environment and policy DP31 of the Local Development Framework.
17. 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.
18. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.