

Parish: Easingwold

Ward: Easingwold

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Committee date: 16.03.2023

Officer dealing: A O'Driscoll

Target Date: 06.05.2022

Date of extension of time (if agreed): 20.03.2023

22/00063/FUL

Construction of a two storey building for use as 2no. business units comprising a children's nursery (use Class E(f)) at ground floor and nursery/office (use Class E(f) and E(g)) at first floor, 2no. single storey buildings to provide 5 business units use class E(g) and construction of a new access and car park

At: Land Adjacent To Longbridge House, Stillington Road, Easingwold

For: Grants Pro Agri Ltd

This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.

1.0 Site, Context and Proposal

- 1.1 The application site is located on the south eastern end of Easingwold on the southern side of Stillington Road. The site is currently a vacant piece of grassland adjacent to the Easingwold Business Park which is identified as a General Employment Location in the Local Plan. Although the land does not appear to have any particular use signage on the fencing indicates that it may at times be used for the keeping of livestock.
- 1.2 Immediately opposite the site on the northern side of Stillington Road is the Easingwold Town Football club and immediately to the north of this is a Tilia Homes development of 174 dwellings. The business park features a number of employment uses such as offices, warehousing and a fire station with training centre. There is a bus stop immediately outside of the business park, however the footpath serving the stop does not extend into this part of the business park.
- 1.3 The application is for 7 units. One building will house a nursery use at ground floor. The intended occupant is unsure if they will require the full two storey building and therefore the first floor is designed in such a manner that it could be used as ancillary space by the nursery or as an independent unit. This building would be for uses E(f) Creche, day nursery or day centre (not including a residential use) and E(g) Uses which can be carried out in a residential area without detriment to its amenity. The remaining 5 units will be provided in two single storey buildings for E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes, E(g)(iii) Industrial processes.
- 1.4 During the life of the application the layout of the site was altered in response to Officers concerns regarding visual impact on the street scene and transition between the settlement and open countryside. One office building has been

reduced in size by removing one unit (two buildings of 3 units changed to two buildings of 3 units and 2 units) the buildings have also been re-oriented to allow a large buffer between the built form and the road. In addition to this the first floor fenestration on the east side of the nursery building has been amended to reduce the impact of overlooking on the adjacent property.

2.0 Relevant Planning and Enforcement History

2.1 The application site is greenfield and has no relevant planning or enforcement history

3.0 Relevant Planning Policies

3.1 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S3: Spatial Distribution

Local Plan Policy S5: Development in the Countryside

Local Plan Policy EG1: Meeting Hambleton's Employment Need

Local Plan Policy EG2: Protection and Enhancement of Employment Land

Local Plan Policy EG3: Town Centre Retail and Leisure Provision

Local Plan Policy EG6: Commercial Buildings, Signs and Advertisements

Local Plan Policy EG7: Businesses in Rural Areas

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy IC2: Transport and Accessibility

Local Plan Policy RM1: Water Quality, Supply and Foul Drainage

Local Plan Policy RM3: Surface Water and Drainage Management

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Easingwold Town Council wish to see the application approved

4.2 Highway Authority – No objection subject to conditions

4.3 Lead Local Flood Authority – No objection subject to conditions

4.4 Kyle and Upper Ouse Internal Drainage Board – Standing advice provided

4.5 Yorkshire Water – Refers consultation relating to the package treatment plant to the Environment Agency

4.6 Environment Agency – No comments

4.7 Environmental Health Officer Land Contamination – No observations

4.8 MOD Safeguarding RAF Linton On Ouse – No safeguarding objections

4.9 Public comments – One letter of representation was received from a neighbouring property. The resident who rents the property objects to the scheme being undertaken at this time due to the health impact on a vulnerable family member. Their rental contract expires in August 2023. They do not object to the work going ahead once they have moved away.

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Design and impact on the character of the area
- Amenity
- Drainage and Flood Risk
- Highways safety
- Biodiversity

Principle

- 5.2 Local Plan Policy S3 states that the Council will seek to enhance the economy by maintaining and enhancing the range of existing employment land where significant numbers of people are employed and the businesses derive benefit from being located together, which should be the main focus for business development in the district and any redevelopment should be for employment generating uses. Policy S3 also identifies Easingwold as a Market Town, the highest designation in the settlement hierarchy.
- 5.3 Local Plan Policy S5 states that the countryside is defined as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3: Spatial Distribution. The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. The built form excludes gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement.
- 5.4 Policy EG1 indicates that the Council will seek to deliver sustainable economic growth by supporting sites allocated for business use. In Easingwold land is allocated for business use at Shires Bridge Mill. Policy EG2 sets out the Councils approach to the protection and improvement of areas of land and buildings currently in employment use. Policy EG2 identifies the Easingwold Business Park as a General Employment Location.
- 5.5 Policy EG7: Businesses in Rural Areas states that Employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
 - b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension,

alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision;
or

- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location;
or
- d. other proposals specifically requiring a countryside location.

Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.

- 5.6 The application primarily seeks consent for a new purpose built children's nursery building. The existing business is currently located in Easingwold centre. Due to potential lease issues the existing business is looking to relocate. The agent indicates that the existing business cannot find an alternative location within the main built form of the town and unless they gain permission for a bespoke building may relocate to York.
- 5.7 The site has been offered by the landowner, however, the building would be on a lease basis. In order to justify the cost of the development to the landowner the additional commercial/business units are also proposed.
- 5.8 Under the most recent Use Class Order the children's nursery use is categorised as an E use. Use Class E now also includes retail, cafes/restaurants, financial and professional services, indoor sport and recreation, medical or health services, offices and other industrial processes that can be carried out in a residential area without detriment to its amenity.
- 5.9 It is considered that Policy EG7 part c. is the most relevant policy in relation to this proposal. The first criterion is that any new buildings must be well related to an existing rural settlement. There is some concern regarding the wording of this section in identifying a rural settlement. Easingwold is a market town and the use of the term rural settlement (as opposed to "defined settlements in the hierarchy") would appear to refer to settlements other than market towns. The Local Plan, however, does not define the term rural settlement and therefore in this case it is not clear whether the policy would support development adjacent to the built form of a market town.
- 5.10 EG7 second criterion requires that it be demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location. This sequential test was requested from the applicant's agent. The response indicates that as there are no specific allocations for early years education the options for this use are retail space or employment space. This would align with the use class in which nursery/day care falls. The agent has indicated that retail space is impractical and threatens retail space when local authorities and government are seeking to shore up the retail sector and the contribution it makes to the vibrancy and viability of town centres. No investigation of available space has therefore been provided.

- 5.11 A more pertinent matter, however, in the use of retail space within settlements is that many of the districts town/settlement centres are historical with many older buildings only offering first floor accommodation to non-main retail uses. Part of the attraction to this site is the provision of a bespoke building with secure outdoor play areas and dedicated parking for drop off and collection. In addition to this the proposal would secure the retention of a childcare facility in Easingwold which provides added benefits especially when considering the recent housing development nearby.
- 5.12 With regard to employment locations the agent indicates that there are no sites available in the area including at Shires Mill Bridge. They also raise the point that locating this particular use so far from the town centre would reduce sustainability and make the service physically unavailable to many of the current clientele.
- 5.13 The Local Plan identifies a shortage of sites and premises for businesses, particularly for the high proportion of micro businesses (Chapter 2 Issues Shaping the Local Plan Key, Economy, Key issues, challenges and opportunities). The proposal reflects this need by providing 6 small units for business use. As discussed above Policy EG7, requires that new buildings be located within the built form of a settlement or identified employment location. This site sits adjacent to an existing employment location. It is also noted that there is another area of unbuilt land to the west which actually sits within the area identified as an existing employment location. In this case therefore, it is considered that this is the right type of development but technically in the wrong place. It must also be considered that part of the proposal is to provide bespoke accommodation for a high demand service, and one which is logical to locate close to residential areas, as opposed to on a business park outside of the town.
- 5.14 It is necessary therefore to balance the value of retaining the nursery service in a bespoke building against the lack of compliance with Policy EG7. It is considered in this case that as the site is located directly adjacent to an existing employment location and adjacent to a market town therefore would need to be some harm identified in order to justify refusal. The principle of development must also therefore be based on the impact of the development on the character of the area which is set out below.

Design and impact on the character of the area

- 5.15 Local Plan Policy E1: Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.16 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 5.17 Policy EG6: Commercial Buildings, Signs and Advertisements indicates that new commercial buildings will be supported where it respects the character and appearance of the area, would not be a dominant feature of any location, leading to an excessive, visually cluttered or overbearing appearance.

- 5.18 During the life of the application concerns were raised regarding the proximity of the buildings to Stillington Road. Concern centred around the impact of roadside development on the character of the area. Currently, existing development is set back from the road with open green space providing a visual buffer. In this way the approach to the edge of the settlement is tapered. Further to the north west an existing employment building which gained approval in the recent past demonstrates the visual interruption and harm caused by large scale development too close to the road.
- 5.19 In response to this the layout was amended as described at section 1.4. The initial concerns regarding visual amenity and impact on the character of the area have been addressed. It is considered therefore that the proposal would not result in harm to the character of the area.

Amenity

- 5.20 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.
- 5.21 The closest residential property is Longbridge House to the south east. The agent has indicated that this property is in the applicants' ownership and is currently tenanted. The current occupants have objected to the disruption during the development but not to the development itself. Concerns were raised during the life of the application regarding the impact of overlooking from the two storey nursery building on the privacy of the garden. In response to this the building was redesigned to reduce the windows at first floor on this level. The rear garden space will not be impacted by the development. Given the location of Longbridge House to the south of the application site there are no other amenity concerns in relation to light or the relationship between buildings.

Drainage and flood risk

- 5.22 Policy RM3 states A proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;

- wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

- 5.23 The application site is located in Flood Zone 1 and within the Kyle and Upper Ouse Internal Drainage Board Area. The application form indicates that foul water will be disposed of via a package treatment plant discharging to a drainage field. Surface water is to be disposed of via soakaway. The IDB have indicated that by virtue of being within their area the site may not be suitable for soakaway drainage. No percolation or test pit information has been submitted to support the above proposals.
- 5.24 The Lead Local Flood Authority have not raised any objection and have recommended that the drainage scheme be controlled by condition. Yorkshire Water have recommended that the private foul drainage system be referred to the Environment Agency. A consultation was sent to the Environment Agency, however, no response was received.
- 5.25 Mapping indicates that Longbridge Beck lies to the south east of the site. The intervening land belongs to Longbridge House which the agent has indicated is in the applicants' ownership. A connection to the Beck therefore, appears to be feasible should percolation testing discount the use of soakaways. The IDB have indicated that any discharge to a watercourse should be limited to 1.4 litres per second per hectare or greenfield runoff.
- 5.26 Given the above information it is considered therefore that the drainage scheme can be secured by condition.

Highways safety

- 5.27 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by amongst other things requiring developers to provide, or meet the costs of providing, the infrastructure, facilities and/or mitigation necessary to make their proposed developments acceptable in planning terms.
- 5.28 Policy IC2 states that The Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:

- it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
- highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated,

5.29 The development will be accessed via a new access point on Stillington Road. North Yorkshire County Council Highways Officers were consulted and have raised no objections subject to conditions relating to private access or verge crossing, visibility splays, turning and parking areas and a construction management plan. A Grampian condition for off-site Highways works has also been recommended. This relates to the provision of a footpath along the front of the site on Stillington Road to join with the existing path to the north west.

Biodiversity

5.30 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.

5.31 No ecology information has been submitted. The site comprises a grassed field which is used for grazing. The northern boundary comprises an established hedgerow with some small gaps. The proposal includes the removal of some hedgerow to facilitate the access. Despite this, however, the layout plan indicates good scope for planting of new hedgerows and trees. It is therefore considered that in this case the Biodiversity metric and gains can be secured through pre commencement condition.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission 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:

Proposed Site Plan 2021/000/002 Rev B received 23.02.2023

Proposed Ground Floor Plan 2021/000/003 Rev A received 23.02.2023

Proposed First Floor Plan 2021/000/030 Rev A received 23.02.2023
Proposed Offices 2021- 000-010 Rev A received 01.03.2023
Proposed Offices 2021-000-011 Rev A received 01.03.2023
Office 1 Elevations 2021-000-007 received 10.01.2022
Office 1 Elevations 2021-000-008 received 10.01.2022
Office 1 Floor plan 2021-000-006 received 10.01.2022

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the single storey building(s) housing units 1-5 as detailed on drawing referenced Proposed Site Plan 2021/000/002 Rev B and received 23.02.2023 shall not be used other than for uses falling within use class E(g) namely: Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes E(g)(iii) Industrial processes

5. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the two storey building(s) on the eastern side of the site as detailed on drawing referenced Proposed Site Plan 2021/000/002 Rev B and received 23.02.2023 shall not be used other than for uses falling within use classes E(f) and E(g) namely:

E(f) Creche, day nursery or day centre (not including a residential use) E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes

6. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements: - The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number A1.

- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway. All works must accord with the approved details.

7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye

height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The following scheme of off-site highway mitigation measures must be completed as indicated below:

- Provision of a footway on Stillington Road connecting the site's access to the existing footway to the northwest.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that

scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

9. No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 2021-000-002 Revision DB. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

details of any temporary construction access to the site including measures for removal following completion of construction works;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; - the parking of contractors' vehicles;

- areas for storage of plant and materials used in constructing the development clear of the highway;

- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

11. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that

part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

12. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme /sustainable urban drainage systems throughout the lifetime of the development.

13. The development must not be brought into use until a landscaping and biodiversity net gain scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

- a) a landscape scheme including details of the type, height, species and location of all new trees, hedges and shrubs and shall show the retention of any significant existing landscape features
- b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3
- c) a programme of work and subsequent maintenance arrangements. The development shall be carried out in accordance with the approved scheme.

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 order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings.
3. 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 Local Plan Policies S1 and E1.
4. In order to allow the Council to assess any proposed changes to retail, cafe or restaurant uses.
5. In order to allow the Council to assess any proposed changes to retail, cafe or restaurant uses.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety
8. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

10. In the interest of public safety and amenity.

11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

12. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

13. In accordance with Local Plan Policies E1 and E3.