



Report Reference Number: 2019/1020/FUL

To: Planning Committee
Date: 7 October 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1020/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Lincolnshire Co-operative Limited	VALID DATE: EXPIRY DATE:	3rd October 2019 28th November 2019
PROPOSAL:	Proposed erection of a new single storey retail unit consisting of sales area approximately 280 square metres under the use class A1 and back of house area approximately 103 square metres, along with the associated hard and soft landscaping within the site boundary		
LOCATION:	Land Adjacent Duddings Farm High Street Carlton Goole East Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before the Planning Committee as the proposal is contrary to the requirements of the development plan (namely S4 of the Selby District Local Plan) but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

- 1.1. Planning permission is sought for the erection of a new food retail unit submitted by the proposed operators of the store, Lincolnshire Co-operative Limited.
- 1.2. Lincolnshire Co-operative are a regional co-operative society, based in Lincolnshire and surrounding counties that operates 90 food stores as well as pharmacies, funeral homes, florists, travel branches and post offices, not to be confused with The Co-operative Group who are a national co-operative.

The Proposal

- 1.3. The proposal will infill a gap along Carlton High Street that currently consists of a cleared parcel of land between Home Farm and the Little Black Dog Brewery to the south and Stapleton Cottages to the north.
- 1.4. Access to the site will be achieved via the existing point on High Street opposite Church Lane albeit this will be modified to adoptable standards appropriate for the increased use. 20 car parking spaces are proposed to serve the retail store. It is proposed that the southbound bus stop will be relocated to opposite No.11 High Street and will be fitted with raised kerbs at the boarding area. Modified access to the Little Black Dog Brewery is proposed to the rear of the site.
- 1.5. The store will consist of a new single storey retail unit with a shop floor of approximately 280m² and a further back of house area of approximately 103m². along with the associated hard and soft landscaping including a community garden.

Relevant Planning History

- 1.6. The following historical application is considered to be relevant to the determination of this application:

Ref: 2017/0306/COU

Description: Change of use of buildings from agricultural to Part B2, forming a micro-brewery and a small staff/storage area and Part A1 forming a shop for the sale of brewery products

Address: Duddings Farm, High Street, Carlton, Goole, East Yorkshire, DN14 9LU

Decision: Approved 31-AUG-17

2. CONSULTATION AND PUBLICITY

Urban Design

March 2020

- 2.1. The scale and orientation of the buildings are appropriate within the site's context. However, the form and character of the proposed buildings are fundamentally at odds with the prevailing character of the area.
- 2.2. The Urban Design Officer sets out the context of the village before evaluating the scheme, noting the High Street comprises two-story, brick built, back-of-pavement dwellings, shops and pubs, with associated private outdoor spaces also delineated by brick wall boundary treatments running flush with building frontages, effectively carrying on the building lines, which in turn provide a consistent width to footpath dimensions.
- 2.3. Where this pattern is broken, it is mostly for lower scale buildings which recall the working or agricultural past of the village (often with blank gables directly fronting the street), or by singular buildings with a civic role (churches). Where retail exists, it has successfully adapted itself to the predominant traditional form of buildings in the village (Carlton Supermarket, for example), and according to the Carlton Village Design Statement a number of the residential properties along High Street once accommodated shops as well.

- 2.4. Following an establishment of context, the Urban Design Officer raises a series of questions to the applicants, concerning the following matters: (1) the proposed frontage building appear to take its inspiration from the atypical 1960s buildings opposite, rather than the overarching character of the High Street (2) whether the existing wall need to be lowered along its length, or merely at those points necessary to provide visibility for drivers (3) whether an external cut through the corner of the building, rather than enclosing this as an anteroom within the building itself is required (4) use of large, square openings/windows in front elevation and , their intended function i.e. whether this will result in additional signage and advertising rather than potentially perishable goods. Openings of this size will also have implications for energy use.
- 2.5. The Urban Design Officer goes on to set out expectations from a design perspective that the development should respond to with a view that the proposals demonstrate a better understanding and use of the organising principles which have generated the prevailing, positive character of Carlton High Street.

April 2020

- 2.6. Following revisions to the scheme, the Urban Design Officer was reconsulted and considered positive changes had been shown whilst listing specific outstanding matters including: the boundary wall, entrance, elevations, and materials.
- 2.7. Whilst the retention of the boundary wall was welcomed it was considered that this may be difficult to maintain in such proximity to the elevation, as well as resulting in other issues with detailing. Two potential solutions were offered: remove the section of wall or move the building back further into the site.
- 2.8. The proposed Queen post truss gable feature above the entrance from the car park was considered without precedent in Carlton and appears a device used by the architects previously, and imported into their current designs from elsewhere, an approach which the officer was unable to support. A more sympathetic treatment could be the introduction of pierced brickwork instead, with an interpretation that recalls the vernacular of agricultural buildings in Selby district, whilst accommodating proposed signage as well.
- 2.9. The Urban Design Officer questioned why the elevations appear unusually high up to the line of the eaves.
- 2.10. Windows and fenestration appear much more classically proportioned, which helps it sit more comfortably within the street scene, and the taller elevations help to indicate a different use for the building from surrounding residential properties.
- 2.11. Window details and materials should be conditioned, so that proposed differences in colours and finishes can be properly evaluated. Final drawings will need to identify the location of downpipes.

Local Highway Authority

- 2.12. The Local Highway Authority requested clarification of parking bay widths before offering further comments.
- 2.13. Following re-consultation, Highways noted the extensive pre-application discussions that had been undertaken and agreement of the design by both by the Area Office and the Traffic Team at NYCC during those discussions.
- 2.14. No objections were raised subject to a range of suggested conditions requiring: (1) access to be improved prior to occupation, (2) licence to carry out works in highway, (3) visibility splays, (4) completion of off-site highway works, (5) requirement of s278 agreement, (6) construction management plan.

Parish Council

- 2.15. The Parish Council note they had been seeking improvements to the bus stop and considered the relocation to be placed on an unsuitable section of path which will be inconvenient and dangerous. A condition is suggested restricting the display of adverts attached to windows.
- 2.16. Following re-consultation, the Parish Council are concerned that the position of the bus stop has been omitted [see above] and seek clarification and re-consultation once this has been established. A series of conditions are suggested: (1) restriction on display of adverts attached to windows, (2) delivery hour restrictions, (3) restriction on off-site parking.

Yorkshire Water

- 2.17. Yorkshire Water suggested the following conditions: (1) The site shall be developed with separate systems of drainage for foul and surface water on and off site, (2) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 2.18. Following re-consultation, Yorkshire Water confirmed they had no further comments to make beyond those made previously.

Environmental Health

- 2.19. Environmental Health confirmed they had no objection to the proposal.

Internal Drainage Board (IDB)

- 2.20. The IDB set out their guidelines for surface water discharge and noted that should consent be required from the IDB then it is advised this should be made a condition of any planning decision.

Archaeologist

- 2.21. The proposal sits within the historic medieval settlement of Carlton. The site is typical in medieval character. The site has high potential for medieval remains, as such a pre-commencement condition is recommended requiring a Written Scheme of Investigation to take place.

- 2.22. Following re-consultation, the Principal Archaeologist confirmed they had no further comments to make beyond those made previously.

Contaminated Land

- 2.23. The Contaminated Land Officer confirmed that the report and the site investigation works undertaken (Phase I & II) were acceptable, although a condition requiring unexpected contamination to be reported, remediated and remediation verified was recommended.
- 2.24. Following re-consultation, the Contaminated Land Officer confirmed they had no further comments to make beyond those made previously.

Natural England

- 2.25. Natural England confirmed they had no objection to the proposals.
- 2.26. Following re-consultation, Natural England confirmed they had no further comments to make beyond those made previously i.e. no objection.

County Ecologist

- 2.27. The County Ecologist considers there to be minimal ecological value at the site and no survey was required. The proposal to plant a hedge along the eastern and southern boundary of the car park; this should be of mixed native shrub species such as hawthorn, blackthorn, field maple and holly.
- 2.28. Following re-consultation, the County Ecologist confirmed they had no further comments to make beyond those made previously, although considered it would be “helpful” to know the species composition of the hedge which is proposed to be planted along the eastern and southern boundary of the site.

Conservation Officer

- 2.29. The Heritage Impact Assessment has content but fails to identify the significance of nearby designated heritage assets and does not identify any non-designated heritage assets or assess archaeological remains. It also does not identify setting or whether the site contributes to the setting of any nearby heritage assets. There is no mention of the NPPF in the report and no assessment of the impact of the development upon the significance. For a development which has the potential to alter the appearance and character of Carlton, there should be a more thorough assessment to ensure that development has been designed to minimise harm upon designated heritage assets.
- 2.30. The existing boundary wall is not being retained and the design of the new development does not appear to have taken any influence from the local vernacular architecture or nearby historic buildings. There is a small section in the D&A which mentions orientation of the building relating to surrounding buildings, however this approach is not consistent with the history of this site. Historic maps show buildings on the site being set back from the road, with a boundary wall being maintained along the road frontage. The brick wall not only maintains a built structure to the back of the pavement but it also reduces visibility of a potential car park and bulky building which is required for a shop such as this.

2.31. At present, the development fails to sustain the significance of designated heritage assets. The Heritage Impact Assessment and the development does not meet the requirements of the NPPF, section 16. The significance of assets has not been identified, the impact upon the significance has not been identified and the development would cause harm to the significance of designated heritage assets due to its design.

2.32. Following re-consultation, no further comments were received.

North Yorkshire Bat Group

2.33. No comments were received following consultation.

Yorkshire Wildlife Trust

2.34. No comments were received following consultation.

The Environment Agency (Liaison Officer)

2.35. No comments were received following consultation.

Waste and Recycling Officer

2.36. No comments were received following consultation.

Development Policy

2.37. No comments were received following consultation.

Publicity

2.38. The application was advertised via erection of a site notice, letters to adjoining properties, and press advertisement. Following this consultation, three individuals responded in objection, a summary of their concerns is as follows:

- Road signage should be included to avoid conflict with neighbouring properties using their driveways – without this there is a danger of accidents.
- Concerns with the general public, including older people, accessing the site without a crossing.
- The scheme should be inclusive and enable access to all members of the community regardless of ableness.
- Disappointment no direct consultation letter received.
- The proposals could lead to traffic chaos or worse an accident. Request that the Local Highway Authority confirm there will be measures in place to prevent this.
- The boundary wall whilst in disrepair is in keeping with the history of the village, it would be detrimental for this to be removed and its preservation is sought.

3. SITE CONSTRAINTS

Constraints

- 3.1. The site is located partly within and partly outside the development limits of Carlton.
- 3.2. There are no listed buildings on the site, although the Grade II listed Church of St Mary lies to the northwest, whilst the Grade I Carlton Towers lies to the east. The grounds of Carlton Towers are designated within the Development Plan as a Historic Park and Garden.
- 3.3. There are no designated features of environmental protection on or near the site, although the site is noted as a source of potential contamination arising from its agricultural past.
- 3.4. The site is within Flood Zone 1, the area at lowest risk of flooding.

4. POLICY CONSIDERATIONS

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework:

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan (CS)

- 4.6. The relevant CS Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP13 Scale and Distribution of Economic Growth
- SP14 Town Centres and Local Services

Selby District Local Plan (SDLP)

4.7. The relevant SDLP are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV25 Control of Development in Conservation Areas
- S3 Local Shops
- S4 Retail Development in the Countryside
- T1 Development in Relation to the Highway network
- T2 Access to Roads

5. APPRAISAL

5.1. The main issues to be taken into account when assessing this application are:

1. Principle of Development
2. Heritage and Conservation
3. Design, Landscape and Character
4. Highways and Access
5. Ground Conditions
6. Residential Amenity
7. Nature and Conservation
8. Flood Risk & Drainage

Principle of Development

Context

- 5.2. CS Policy SP1 of the Core Strategy outlines that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.3. The majority of the site, including the entirety of the shop itself sits within the development boundaries of Carlton. An area to the rear of the site, including a small section of the car park, landscaping and the amended access to the micro-brewery sit outside the development limits. In such circumstances, the principle of development should be assessed on the basis that the site is outside of settlement boundaries and therefore within the open countryside.
- 5.4. CS Policy SP2A sets out the District's settlement hierarchy and directs the majority of new development to towns and more sustainable villages depending on their future role as employment, retail and service centres. CS Policy SP2A(c) permits well-designed new buildings of an appropriate scale in the countryside which would contribute to and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with CS Policy SP13.

5.5. CS Policy SP13C supports sustainable development that brings sustainable economic growth through local employment opportunities and sets out examples of the forms of development that achieve the policy requirement. One example includes supporting development and expansion of local services and facilities in accordance with Policy SP14.

5.6. CS Policy SP14 provides the District's retail hierarchy. The site is outside of any defined Town Centre, however policy allows for "*local shops and services*" outside established Town Centres including:

"...establishment of new facilities to serve the day-to-day needs of existing communities and the planned growth of communities."

5.7. SDLP Policy S4 relates to retail uses outside of both defined Town Centres and development limits and sets out criteria where such development is appropriate:

1. *"The proposal is ancillary to an existing use; or*
2. *It would secure the preservation of a building of architectural or historic importance; or*
3. *There is a demonstrable need for the particular outlet in the locality (including facilities related to tourism).*

and provided that:

- i) The scale of provision would be appropriate to the locality;*
- ii) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and*
- iii) The proposal would not have a significant adverse effect on the character and appearance of the countryside."*

Assessment

5.8. The Core Strategy sets out a clear sequence of policies in establishing whether a retail unit within the countryside is permissible. CS Policy SP2 allows new buildings in the countryside where these comply with CS Policy SP13. CS Policy SP13 allows such development where it accords with CS Policy SP14. Finally, CS Policy SP14 permits new facilities to serve the day-to-day needs of existing communities and the planned growth of communities.

5.9. On the other hand, the relevant policies within the SDLP are somewhat more onerous than those within the CS. In the case of SDLP Policy S4, criterion 3 requires a "*demonstrable need*" for such a use in order to be permissible. The proposal does not meet this criterion and is therefore contrary to the requirements of the development plan in this regard.

5.10. However, it has been established through national policy (and the CS) and subsequent appeal precedent and case law that a demonstrable retail need is not a material consideration as to whether retail development is permissible. On balance, Officers consider that limited weight should be applied to SDLP Policy S4(3) and that the policy requirements within the Core Strategy are more appropriate as a basis to determine this application and outweigh the SDLP approach.

- 5.11. CS Policy SP14 sets out that new retail development is permissible where new facilities to serve the day-to-day needs of existing communities. The applicants were asked to provide a response to this matter and did so as follows:

“The village of Carlton has a recorded population of 1,934 in the 2011 census. It is currently underserved for grocery convenience space with residents having to travel to Selby or the limited convenience facilities in Snaith. The opening of this convenience store will provide an additional facility to encourage residents of Carlton to stay and shop locally. We know from operating other stores in similar sized villages that customers really like our store offer, it is our intention to provide this local need for the residents of Carlton.”

- 5.12. Officers consider that the scale of the proposed store is proportionate to those catering for “top-up shopping” and the store would support the day-to-day needs of residents without representing over-provision that would cause a detrimental impact upon other stores that are within Town Centres or are more sequentially preferable. It is notable that there is a limit of such provision. As such the proposal accords with CS Policy SP14 and is acceptable.

Heritage and Conservation

Context

- 5.13. Relevant development plan policy includes: CS Policy SP18, CS Policy SP19(b), SDLP Policy ENV1(5), and SDLP Policy ENV25. These policies require conservation of historic assets which contribute most to the District’s character, and ensure development contributes positively to an area’s identity and heritage in terms of scale, density, and layout.
- 5.14. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’) imposes a statutory duty upon decision makers to pay special regard to the desirability of preserving listed buildings and their setting, or any features of special architectural or historic interest that they possess.
- 5.15. NPPF Paragraph 193 requires great weight be given to the asset’s conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196). Paragraph 197 requires the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application.

Assessment

- 5.16. The Conservation Officer noted several concerns with the submitted Heritage Impact Assessment and requested a more thorough assessment to ensure that development has been designed to minimise harm upon designated heritage assets. In terms of the actual scheme, the Conservation Officer noted concerns with the boundary wall and how the building responds to the built vernacular.

- 5.17. The applicants provided a rebuttal to the Conservation Officer's comments which provided greater detail of the site's relationship with surrounding heritage assets. Whilst the Conservation Officer did not consider this adequately addressed their concerns, Officers considered it provided a sufficient basis for assessing the scheme's impacts.
- 5.18. The applicants have put effort into achieving a design that seeks to reflect the built environment around it whilst still seeking to achieve a modern retail store that provides for their operational requirements. The result is a scheme that will result in less than substantial harm to the setting of listed buildings and that of non-designated heritage assets and any such harm is outweighed by the public benefits arising from the proposal, namely the provision of a retail outlet to meet Carlton residents' day-to-day need supporting the sustainability of the settlement and reducing the need to travel by car.

Design, Landscape and Character

Context

- 5.19. CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.
- 5.20. Selby District Local Plan ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.

Assessment

- 5.21. The proposals have been subject to pre-application discussions and have evolved during the determination of this application in response to Officers' requests. The result is that the majority of the brick wall fronting High Street has now been retained whilst maintaining the building line, and the detailing of the elevations modified.
- 5.22. The site extends beyond the settlement boundaries and will infringe upon the open countryside. On balance, officers consider that the limited area of open countryside being utilised by the proposal limits the overall impacts and there will not be a significant adverse impact upon the character of the countryside as a result of the proposal.
- 5.23. The car park will be screened by the boundary wall and this will be supplemented by tree planting, hedges and ground cover/planting beds. Officers consider that this landscaping is proportionate to the proposal and welcome the addition of the community garden which will add to the landscaping as well as ancillary social and environmental benefits.
- 5.24. Officers consider that the proposals are suitable from a design, landscape and character perspective and the proposals therefore comply with CS Policies SP18 & 19 and SDLP Policy ENV1 subject to landscaping conditions requiring details of their implementation and maintenance.

Highways and Access

Context

- 5.25. SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer.
- 5.26. SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.27. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.28. The proposals have been considered by the Local Highway Authority who have found the proposals to be acceptable from a highway safety perspective – subject to the inclusion of conditions. Officers have assessed the proposed conditions and consider some of these matters would not meet the tests for conditions but would be meaningful informatives and have been recommended as such.
- 5.29. In respect of on-site access considerations, the proposal will effectively remove the approved access for the Little Black Dog Brewery and field access for Home Farm. In order to maintain appropriate access to the brewery, following discussion with the landowners (Carlton Towers) and the Brewery themselves, a modified access that links into the top of the brewery's car park is proposed. Officers consider this approach would not prejudice the brewery, or Home Farm's access and will not conflict with the safety or efficacy of the shop's access.
- 5.30. Subject to the inclusion of Highway's recommendations the proposals are acceptable from a highway safety perspective and comply with SDLP Policies T1 & T2 and NPPF Paragraph 109.

Ground Conditions

Context

- 5.31. SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination, or other environmental pollution will be refused unless satisfactorily remediated or prevented. CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.32. NPPF Paragraph 178 requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, be remediated (where appropriate) to an appropriate standard and be subject to site investigation undertaken by competent persons.

Assessment

- 5.33. The Contaminated Land Officer is content with the findings of the submitted Phase I & Phase II Surveys and that further investigative works are not required. However a condition regarding the reporting of unexpected contamination is recommended. Officers consider that subject to inclusion of this condition the site is appropriate in relation to ground conditions and complies with CS Policy SP18 and NPPF Paragraph 178.

Residential Amenity

Context

- 5.34. SDLP Policy ENV1 provides eight broad aspirations for achieving 'good quality development' that should be taken into account where relevant. SDLP ENV1(1) requires "*the effect upon the character of the area or the amenity of adjoining occupiers*" to be taken into consideration.

Assessment

- 5.35. The proposed use will generate increased activity at the site consisting of, primarily, top-up shopping. In principle officers consider such activity is proportionate to the site's location on Main Street which runs through the village and where other similar uses already exist.
- 5.36. However, whilst the principle of such activity is appropriate, it would not be the case if left unrestricted. Officers therefore have recommended conditions limiting opening hours to avoid disturbance from movements by the general public, as well as deliveries to ensure that such activities take place within reasonable hours. The construction of the shop within proximity to residential properties also has the potential to harm amenity in the short-term and a construction management plan is recommended to avoid or minimise and mitigate any such disturbance.
- 5.37. Officers consider the proposals provide a suitable relationship with existing dwellings and, subject to conditions, will not harm residential amenity of residents. As such, the proposals comply with SDLP Policy ENV1.

Nature and Conservation

Context

- 5.38. Relevant policies in respect of nature conservation and protected species include CS Policy SP18 of the Core Strategy. CS Policy SP18 seeks to safeguard and, where possible, enhance the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain in biodiversity.
- 5.39. NPPF Paragraph 170(d) seeks that planning decisions contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Assessment

- 5.40. North Yorkshire County Council Ecology Officers have no concerns with the proposal. Officers agree and consider there to be no significant adverse impact upon nature conservation. Accordingly, the proposal complies with CS Policy SP18 and NPPF Paragraph 170(d).

Flood Risk & Drainage

Context

- 5.41. The site sits within Flood Zone 1, the area at lowest risk of flood risk. CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.

Assessment

- 5.42. The site is within Flood Zone 1 and has a site area of less than 1ha, as such no flood risk assessment has been provided or is necessary. The proposals are located within the area of lowest risk and therefore comply with CS Policy SP15 and NPPF Paragraph 155.
- 5.43. The site will be served by soakaways for surface water and mains sewer for foul sewage. The submitted drainage strategy demonstrates that percolation tests have been undertaken to test the feasibility of soakaways and sets out a general strategy including storage and an allowance for climate change. Yorkshire Water have not opposed the proposed mains sewer connection.
- 5.44. Officers are satisfied with the general approach to drainage and, subject to appropriate conditions, are satisfied the site will be appropriately serviced for surface water and foul drainage.

6. CONCLUSION

- 6.1. Whilst the Core Strategy approach to the principle of development differs from that of the SDLP, namely SDLP Policy S4, Officers are satisfied that the weight afforded to this policy is sufficiently diminished as to be outweighed by the approach within the Core Strategy.
- 6.2. The principle of retail development outside defined Town Centres and development limits is permissible within the Core Strategy where this meets day-to-day needs of the community. Officers are satisfied that the shop will fulfil such a role and will not impact upon other retail uses in Centres or elsewhere.
- 6.3. Officers have considered the proposals against all material considerations that arise from the development. This report demonstrates that the proposals overcome each of these issues including by way of conditions where appropriate.

7. RECOMMENDATION

- 7.1. This application is recommended to be approved subject to the following conditions and informatives:

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

REASON:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

- Location Plan J1918 – 00101_rev.B
- Proposed block plan J1918 – 00103_rev.C
- Proposed Site Layout J1918 – 00104_rev.G
- Existing and Proposed Site Sections J1918 – 00105_Rev.B
- Proposed Plans J1918 – 00106_Rev.B
- Proposed Elevations J1918 – 00107_Rev.B
- Proposed Boundary Treatments J1918 – 00109_Rev.B
- Proposed Front Elevation Colour Study J1918 – 00111_Rev.A
- Proposed Side Elevation Colour Study J1918 – 00112_Rev.A

REASON:

For the avoidance of doubt.

3. Access from the highway to the approved car park of the adjacent Little Dog Brewery shall be constructed in accordance with the approved plans and as set out in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority prior the commencement of any other development. Following construction of this access, and during construction of the remainder of the approved scheme, the access shall be kept clear at all times for vehicles visiting the Little Dog Brewery.

REASON:

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.

4. The development must not be brought into use until the access to the site has been improved and been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:

The existing access must be widened and formed with 10 metres radius kerbs, to give a minimum carriageway width of 6.5 metres, and that part of the access road extending 13 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

REASON:

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.

5. There must be no access or egress by any vehicles between the highway and the application site, other than those visiting the Little Black Dog Brewery, until splays are provided giving clear visibility of 43 metres measured to the centre line to the southern splay and 43 metres to the channel line to the north 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 0.9 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON:

In the interests of highway safety.

6. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - The installation of a staggered ghost island junction adjacent to the site on High Street before commencement on site. To include the realignment of the existing right-hand turn lane into Church Lane, realignment of the buildout on High Street and the removal of the existing road markings.
 - The relocation of the existing bus stop at the proposed access including the installation of Kassel Kerbs and the relocation of the bus stop sign and post to opposite 11 High Street, Carlton prior to commencement on site.

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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

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.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

7. The retail unit hereby approved shall not be brought into use until the access, parking, manoeuvring and turning areas at the site have been constructed in accordance with the details approved in writing by the Local Planning Authority. Car parking spaces shall be a minimum of 2.4 metres wide x 4.8 metres in length. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. 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:

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours;
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

REASON:

In the interest of public safety and amenity.

9. The premises shall only be open for trade or business (excluding deliveries) between 07:00 hours and 22:00 hours Monday to Sunday including Bank Holidays.

REASON:

To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with SDLP Policy ENV1.

10. Notwithstanding the requirements of condition 8 (opening hours) of this permission, no deliveries of goods to or from the site shall take place between 20:00 hours and 08:00 hours on any day.

REASON:

To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with SDLP Policy ENV1.

11. A scheme for the drainage of surface water via soakaway, based on the submitted drainage strategy, shall be submitted to and approved by the Local Planning Authority. The Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations.

REASON:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON:

In the interest of satisfactory and sustainable drainage.

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

REASON:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

14. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. the programmer methodology of site investigation and recording.
2. community involvement and or outreach proposals.
3. the programme for post investigation assessment.
4. provision to be made for analysis of the site investigation and recording.
5. provision to be made for publication and dissemination of the analysis and records of the site investigation.
6. provision to be made for archive that position of the analysis and records of the site investigation.
7. nomination of a competent person or persons /organisation to undertake the works set out within the written scheme of investigation

REASON:

Due to the site being of archaeological significance and in accordance with section 12 of the NPPF (paragraph 141)

15. No demolition/development shall take place other than in accordance with the written scheme of investigation approved under Condition 13.

REASON:

Due to the site being of archaeological significance and in accordance with section 12 of the NPPF (paragraph 141).

16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON:

Due to the site being of archaeological significance and in accordance with section 12 of the NPPF (paragraph 141)

17. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Notwithstanding any details shown on the approved plans, the details of the frames of each window serving the retail unit shall first have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in full accordance with the approved details before the part of the building served by those windows is first occupied. The duly installed windows shall be maintained as such thereafter.

REASON:

To ensure an appropriate window treatment which is sympathetic to the character and appearance of the area in accordance with the requirements of CS Policy SP18 & SP19.

19. No development above foundation level shall take place until full details of the materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be constructed in accordance with the duly approved materials.

REASON:

To ensure the use of suitable materials which are sympathetic to the architectural and historic character of the area in accordance with the requirements of CS Policy SP18 & SP19.

20. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), no advertisements shall be installed on, to, or, in the widows fronting High Street.

REASON:

In the interests of visual amenity in accordance with the requirements of CS Policy SP18 & SP19.

21. Details of hard and soft landscaping shall be submitted to the Local Planning Authority for approval prior to any development above ground level.

The approved landscaping scheme shall thereafter be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON:

To ensure appropriate landscaping of the site in the interests of visual amenity.

Informatives:

1. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_and_ind_est_roads_street_works_2nd_edition.pdf. The Local Highway Authority

will also be pleased to provide the detailed constructional specifications referred to in this condition.

3. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
4. An explanation of the Highways terms used above is available from the Local Highway Authority.
5. The submitted plans indicate the intention to erect signs and/or advertisements on the building/site. This planning permission does not grant consent for any signage shown on the approved plans, nor should it be construed or assumed that the indication of such signage on the approved plans will result in the grant of advertisement consent. The applicant is reminded of the need to make a separate application for advertisement consent to the Local Planning Authority in accordance with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) in order to obtain permission for any signage before this is erected.
6. All wild birds, their nests, eggs and young receive general protection under the Wildlife & Countryside Act 1981. In order to ensure compliance with this legislation, any trees, shrubs or other dense vegetation where birds might nest should preferably be cleared outside the breeding season (March to August inclusive for most species). If this is not possible, a competent person should first confirm that no nesting birds are present, on the understanding that any active nests must be left undisturbed until young have fledged.

8. LEGAL ISSUES

Planning Acts

- 8.1. This application has been determined in accordance with the relevant planning acts.

Human Rights Act 1998

- 8.2. It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010

- 8.3. This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9. FINANCIAL ISSUES

- 9.1. Financial issues are not material to the determination of this application.

10. BACKGROUND DOCUMENTS

10.1. Planning Application file reference 2019/1020/FUL and associated documents.

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