Item Number: 9
Application No: 18/00531/FUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application
Applicant: Mr John Whitwell
Proposal: Erection of a veterinary surgery with parking and turning areas
Location: Land Off Piercy End Kirkbymoorside

Registration Date: 15 June 2018
8/13 Wk Expiry Date: 10 August 2018
Overall Expiry Date: 7 September 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Countryside Officer	Conditions
Environmental Health Officer	No comments received
Highways North Yorkshire	Concerns
Parish Council	No comments received
Countryside Officer	Recommend condition
Environmental Health Officer	No comments received
Parish Council	No comment
Highways North Yorkshire	Recommend conditions
Neighbour responses:	Mr Michael Taylor, Viktoria L Adams, Mrs M R Towlson, Michael And Dorothy Morley,

SITE:

The derelict site is a former railway sidings and also known as Russells Yard. The site is relatively flat and presently comprises areas of rough tarmac, concrete and unsurfaced areas, all buildings that previously stood on the site have been demolished. The site is within the town development limits. The wider site amounts to approximately 0.64 hectares. The application proposes the development of approximately 30% of the site and the red line application area totals 2,395m². The applicant owns the remainder of the land but there are no plans for its development at this stage.

The A170 (New Road) runs to the north and Ings Lane to the west. Car garages (Kia Motors & Ryedale Garages) are to the north- west and north- east and the Fire Station is 50m to the north east of the proposed development site. Brick built industrial warehouse buildings are to the west on the other side of Ings Lane.

The nearest residential properties are those forming part of the relatively new development on Weighbridge Close approximately 25m to the east. There are other residential properties to the south and south west on Ings Lane and Carter Lane approximately 70m from the site.

The site boundary on the northern side comprises a grey 1.8m high palisade fence together with overgrown tree and shrub planting. The western boundary comprises a timber post and rail fence and there are three TPO horse chestnut trees inside the site that stand parallel to the western boundary. Temporary solid screen boards 2.9m high stand along the eastern boundary of the site set back from the grass verge on Weighbridge Close.

HISTORY:

09/00575/MOUT- Residential development (Site area 1.06ha). APPROVED 15.04.2010. Condition 20 requires the permanent closure of the access off the roundabout and restoration of the highway.

10/01121/MREM- Erection of 8no. four bedroom dwellings, 16no. three bedroom dwellings, 20no. two bedroom dwellings and 2no. one bedroom dwellings with associated garaging and parking (outline approval 09/00575/MOUT dated 15.04.2010 refers). APPROVED 21.04.2011. Permission part implemented with 21 of the 46 dwellings completed on the eastern side of the site (Weighbridge Close).

11/01203/MFUL- Erection of food store (Use Class A1) with associated parking, landscaping and access works. APPROVED 10.01.2013. Condition 4(d) required the permanent closure of the access off the roundabout and restoration of the highway with access to the store via Weighbridge Close. The permission has now lapsed.

PROPOSAL:

Planning permission is sought for the erection of a veterinary surgery with parking and turning areas.

The proposed development would allow for the relocation of a veterinary practice that is currently based near Hutton Le Hole in the National Park. It would be for small animals, equine and farm livestock. The practice would provide employment for the equivalent of 8 full time employees.

The proposed two storey, rectangular building would measure 17.6m by 24.9m with a footprint of 439m². The ground floor (428m²) would comprise the reception area, consultation rooms, and pharmacy to the front of the building and staff canteen, theatres and kennels to the centre and rear. There would be no external kennels or runs. At first floor level (262m²) there would be staff offices, stores and the critical care accommodation. The building would stand 6.2m high at two storey level and 3.3m high at ground floor. The building would have a flat roof with a shallow incline with a single ply membrane covering.

The main entrance would be in the north elevation with large glazed frontage comprising aluminium powder coated Anthracite grey windows and entrance doors. The lower sections of the single storey reception area would comprise coursed natural stone plinth to cill level and vertical cedar curtain wall cladding to the external walls at ground floor level. The eaves would be capped with colour coded metal coping. At first floor the walls would be light grey coloured render with Anthracite grey upvc windows. The veterinary practice signage would also be positioned on the north elevation of the single storey reception. The vertical cedar cladding would continue onto the return side elevations (east and west) at ground floor level the remainder of the walls would be light grey coloured render. An external stairway would be on the western elevation giving access to first floor level on the southern side of the building. There would be a roller shutter access door in the south (rear) facing elevation at ground floor level to provide access to the internal lambing area. The ground floor level windows would incorporate aluminium roller shutters and the site would have CCTV coverage.

The Local Highway Authority (LHA) commented in the initial proposal that the access off the roundabout (which effectively acts as a fifth access onto the roundabout) is substandard and does not comply with current standards for spacing in respect of proximity to the adjacent roundabout entry/exit points and the approach visibility splays being below what would be regarded as acceptable. In light of this the application was amended so that the vehicular access is to be taken off the existing turning head on Weighbridge Close instead of off the roundabout. The access would be constructed from permeable tarmac and would lead westward into the site where there would be the parking and turning area to the side and rear of the building. The existing vehicular access off the roundabout would be closed off as part of the development.

There would be 22 no. parking spaces for visitors and staff of which 3 no. spaces would be for disabled parking. The parking areas would be to the east and south of the building. Cycle parking would also be provided. Deliveries would be to the rear as well as the bin stores.

It is anticipated that there would be approximately 80 visitors/appointments a day. Taking into account staff and deliveries the maximum small vehicles that will enter the site will be 100 per day, which over a 12 hour period is less than 10 per hour.

The existing palisade fence is to be retained and the overgrown tree and shrub planting to be removed to open up the frontage. It is proposed that 1.8m high palisade fencing is erected along the eastern and southern boundaries of the proposed development site. The protected (TPO) trees on the western boundary would be protected by fencing during the construction phase and stand outside of the areas to be used for vehicle parking once the veterinary practice is operational.

The existing foul and surface water connections to the mains remain on site and will be reused for the proposed development.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy
Policy SP6 Delivery and Distributing of Employment Land and Premises
Policy SP16 Design
Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

i) Principle of the development;
ii) Design, appearance and form;
iii) Local amenity impact; and
iv) Highway impacts.

Principle of the development

The development of the veterinary surgery in this location would mean that the 46 dwellings covered by permission ref. 10/01121/MREM could not be implemented in full accordance with the permitted scheme. However, there would be remaining land within the wider site for future development (subject to the grant of planning permission).

The proposed development site is previously developed brownfield land and therefore, in principle, the proposal is in accordance with paragraphs 117 and 118 of the revised NPPF (2018) in relation to the effective use of land. The proposed development would provide a larger site for an established practice that has outgrown its current premises and would provide employment for the equivalent of 8 full time employees which aligns with the general aims of Policy SP6.

Design, appearance and form

The two storey building would occupy the north-western corner of the site. The overall height would reach 6.2m high although it has been designed with a flat shallow incline roof that creates a lower profile and reduces the overall mass. Externally the building would be modern and functional in appearance but the front reception area would be softened by the inclusion of cedar cladding and glazing at ground floor level. The reception area would be single storey and as a result the first floor section would have a smaller internal floor space and this would reduce the bulk of the upper parts of the building and provide visual relief. The use of render, glazing and cedar cladding would break from the predominately brick buildings in the locality and along the road frontage. There are buildings representative of a more modern, non-traditional aesthetic present in the area such as the two car sales showrooms to the north that are flat roofed with glazed elevations.

The Countryside Officer has requested conditions in relation to the protection of the trees that are subject to TPO's and a landscaping scheme for the site. The Countryside Officer has requested that existing hedgerows are retained as much as possible to soften the appearance of any site fencing and the applicant is agreeable to this. If permission is granted conditions shall be included to cover these matters.

One representation from a local resident raises concerns about site security due to the drugs kept on the premises. The design takes this into account and the windows would be fitted with roller shutters and there would be CCTV installed.

The siting and design of the new building is considered acceptable and there would be minimal impact upon the character of the area and the development is considered to be in compliance with policies SP16 and SP20.

Local amenity impact

The site is relatively flat, although views over the site can be gained from the bridge on Ings Lane and from higher ground in Piercy End to the north. Views of the site frontage can be obtained from the east and west when travelling along the A170. It is not anticipated that the new building would give rise to any unacceptable visual intrusion due to it being of an appropriate scale and well positioned in relation to the road and nearby visual receptors. The TPO trees on the western side of the site would be retained and protected and a landscape scheme would be developed to soften the views towards the site.

Representations from local residents on Weighbridge Close have queried the applicant's intentions for the upkeep of the adjacent land within the wider site that is outlined in blue on the plans. At present a 2.9m high solid board fence screens this area from Weighbridge Close. The concern is that the screen boards will be removed or pulled back to allow for the construction of the development and the adjacent land will be left as unsightly, undeveloped and overgrown land surrounded by the grey steel palisade fence. A further concern is that it could also encourage unlawful activity such as fly tipping.

In response to the concerns about the general appearance of the site the agent representing the applicant has confirmed that they intend to create a pleasant visitor experience and not a vehicular access that feels like customers are driving through a part built construction site. Therefore the wider site shall be maintained to create a welcoming aesthetic for visitors. In addition to the landscaping scheme a condition shall be included that requires the approval of the design of all means of permanent and temporary enclosure for the application site and also the adjacent land under the ownership/control of the applicant (outlined in blue on the submitted plans). However, local speculation about the possible future use of the adjacent land, whether authorised or unauthorised, is not material to the consideration of this planning application. Any proposals to develop this land would be subject of a future application for development.

A local resident has raised concerns about traffic visiting the veterinary practice at unsociable hours. The hours of use/opening will be limited by condition but this takes account of the nature of the land use which involves emergency appointments for livestock outside of normal working hours. The majority of livestock related issues would involve the vet going out to the farm rather than larger animals being

brought to the practice. It is considered that the majority of traffic movements to and from the site would occur during the standard working day and the limited movements outside of these hours associated with emergency appointments would be not have an unacceptable impact on nearby residential properties in terms of noise or disturbance.

With regard to other amenity impacts it is considered that due to the separation distance and orientation of the building there would be no overlooking issues nor would the new building have an overbearing presence. If permission is granted conditions would be included in relation to external lighting and CCTV to control and mitigation any light spillage or loss of privacy impacts.

It is not anticipated that the veterinary practice would give rise to any unacceptable visual intrusion, pollution or disturbance and as a result there would not be an adverse impact upon residential amenity in compliance with Policy SP20.

Highway impacts

The initial proposals involved access to the site being taken via the existing 'fifth arm' of the roundabout. The access served the old railway station and more recently an agricultural engineers.

However, the LHA stated objections to that arrangement on the basis that the layout does not comply with current standards for spacing in respect of the proximity to adjacent roundabout entry/exit points and approach visibility splays being below what would be regarded as acceptable. The LHA also highlight that traffic levels along the A170 are much greater now than when the current layout was constructed.

The LHA observe that *"A satisfactory alternative means of access has already been provided to serve the site which has been put forward and accepted on previous planning applications for development of the site"*. Therefore, the LHA recommended the use of the access road put in for the residential development immediately to the east (Weighbridge Close) and the Applicant amended the application accordingly.

In response to the amended proposal concerns have been raised by the occupants of four properties on Weighbridge Close which are summarised as follows:-

- The existing access off the roundabout has not been closed/blocked off and could be used
- Increase in traffic could affect safety of children in the cul de sac
- Conflict with courier/postal/delivery vehicles and refuse vehicles on Weighbridge Close and residential access and cars parked on Weighbridge Close.
- The level of traffic on the A170 and the congestion/backlog that would be created particularly at peak times.
- The type of transport being larger cars, trailers, horse boxes and pick ups
- The volume of vehicle movements of visitors/customers using the vets (over 100 per day)
- The hours of vehicle movements

The local residents on Weighbridge Close would prefer traffic associated with the development to use the existing access off the roundabout. However, the LHA has set out their technical reasoning that shows that it would not be appropriate and this position is consistent with that applied to previous proposals for the development of this site. In light of this the request from residents on Weighbridge Close that access be taken via the roundabout is not considered to be an appropriate solution in terms of highway safety.

The concerns about the use of Weighbridge Close are noted, however, the road was not designed solely for residential use and was deemed appropriate to serve a large supermarket development (not implemented) that would have involved higher volumes of traffic. Weighbridge Close is a carriageway 5.5 metres wide. The LHA state that Weighbridge Close has sufficient width and alignment for existing and proposed traffic to pass and is in accordance with the advice contained within 'Manual for Streets' in its present form. Furthermore vehicle speeds are unlikely to exceed 20mph along the short section

involved up to the A170 junction. It is not anticipated that the access to the veterinary practice would give rise to conflict with other vehicles using the cul de sac.

The LHA have requested that, as part of the development, dropped kerbs are provided on the A170 to allow for enable a safer and more convenient pedestrian access to and from the site and Kirkbymoorside town centre.

In terms of road safety, the concerns are noted but it is observed that there are existing footpaths provided within the cul de sac and there are no outdoor play areas adjacent to the route of traffic.

The majority of visitors to the veterinary practice would travel in private cars with the minority in larger vehicles. In addition the hours of opening will be standard working hours with the exception of emergency visits, which, due to the nature of the use will inevitability have to occur on occasions.

The LHA have no objections subject to the inclusion of conditions relating to the provision of dropped kerbs to form the access off Weighbridge Close, the permanent closure of the existing access off the roundabout, provision of a pedestrian crossing (dropped kerbs) on the A170, the retention of parking and turning areas within the site and the submission of a Construction Method Statement.

The LHA are of the view that, on balance, it will be acceptable to permit construction traffic to use the existing access at the roundabout as a temporary measure so to minimise the impact of construction traffic on residents of Weighbridge Close subject to the use of appropriate temporary warning signage for the 'roundabout site entrance'.

Paragraph 109 of the revised NPPF (2018) advises that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. It is considered that suitable access to the site can be achieved for all users and the level and type of traffic associated with the development can be accommodated with giving rise to conditions prejudicial to highway safety and complies with the relevant part of Policy SP20.

Conclusion

There are no objections to the principle of the development of a veterinary surgery at the site from any consultees or members of the public. In addition the concerns discussed earlier in this report objections have also been received that refer to a potential decrease in property values on Weighbridge Close as a result of the development, however, that concern is not material to the consideration of the application.

The proposed development would utilise redundant and derelict site in an edge of centre location and the new use would enhance the facilities available and support the vitality of the Town Centre. The Town Council have confirmed that they have no comments to make on the application. The development would not create adverse highway safety conditions and associated traffic can be accommodated by the local highway network. In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP6, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The recommendation to Members is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. 1400/01 Rev B, dated 30 July 2018.
Plans & Elevations as Proposed ref. 1400/03 Rev C, dated 27 July 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Prior to the commencement of aboveground construction work, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in the area.

4 Full details of all external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution and to protect local amenity.

5 With the exception of out of hours emergency appointments the building hereby permitted shall not be open to customers outside the following times: 08:00 - 21:00 Monday to Friday and 09:00 - 16:00 Saturdays, Sundays and Bank Holidays.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

6 Full details of all external CCTV installations shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height and angle/area of coverage. All CCTV shall be installed and maintained in accordance with the approved details.

Reason: To protect local amenity.

7 Prior to the commencement of the development hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, a plan indicating the landscaping of the site shall be submitted to the Local Planning Authority for approval in writing. The plan shall include plans and specifications for all hard and soft landscape works including any changes to existing ground levels, boundary treatments, planting plans, specifications and schedules, existing plants to be retained and showing how new landscaping relates to any underground services and existing landscape features. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.

Reason: To protect visual amenity and the character of the area and ensure that existing landscape features are not damaged.

8 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of permanent and temporary enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to the proposed development site outlined in red on the submitted plans and also the adjacent land under the ownership/control of the applicant (outlined in blue on the submitted plans). Thereafter these shall be erected prior to the occupation of the building hereby permitted.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

9 Prior to the commencement of the development hereby approved, details of the form and position of fencing, which shall comply in full with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', for the protection of those trees, shrubs and natural features not scheduled for removal shall be submitted to and be to the written approval of the Local Planning Authority, and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until such completion of the development, to the approval of the Local Planning Authority. Hereafter, the fencing shall be referred to as the 'approved protection zone'.

Reason : To preserve trees and hedges on the site in the interests of visual amenity and the character of the area.

10 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

c. The existing kerbs across the western section of turning head on Weighbridge Close shall be improved by replacement using dropped kerbs to give a minimum access width of 5.5 metres in accordance with the Specification shown on standard detail drawing no. A1, including making good any damage to the adjacent road surface as a consequence of installation with materials in accordance with the same Specification.

e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11 No part of the development shall be brought into use until the existing access on to New Road at the roundabout has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

12 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 until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision of tactile paving
b. Provision of a pedestrian dropped crossing on the north side of the A170 directly opposite the existing pedestrian dropped crossing.

(ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

13 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 12 above : Works as described in that condition.

Reason: In the interests of the safety and convenience of highway users.

14 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 the Block Plan inset as shown on Plans & Elevations as Proposed drawing ref. 1400/03 Rev C, dated 27 July 2018 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

15 No development for any construction phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

a. the parking of vehicles of site operatives and visitors
b. loading and unloading of plant and materials
c. storage of plant and materials used in constructing the development
d. erection and maintenance of security hoarding including decorative displays and facilities for
public viewing where appropriate
e. wheel washing facilities
f. measures to control the emission of dust and dirt during construction
g. a scheme for recycling/disposing of waste resulting from demolition and construction works
h. temporary warning signage

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

INFORMATIVE(S)

1 (Conditions 10 & 13) The applicant is advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

2 (Condition 11) These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.