

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 1 March 2012. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

1 MARCH 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/02245/FUL Mr J Saddington	Construction of 5 dwellings, a retail foodstore (class A1) with associated parking, servicing and landscaping as amended by plans received by Hambleton District Council on 31 January 2012. at Formerley Falcon Office Furniture Stillington Road Easingwold York for Retail Development Partnership. RECOMMENDATION: REFUSED
2	11/01661/FUL Mr J Saddington	Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011. at OS Field 9972 York Road Easingwold North Yorkshire for Redrow Homes Yorkshire. RECOMMENDATION: GRANTED
3	11/00198/FUL Mrs B Robinson	Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries as amended by plans received by Hambleton District Council on 27 September 2011. at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS for Mr & Mrs D Crow. RECOMMENDATION: REFUSED
4	11/02620/REM Mr J E Howe	Reserved matters application for the construction of a dwelling as amended by plan received by Hambleton District Council on 9 January 2012. at Land Adjacent To Hall Cottage Sutton Howgrave North Yorkshire for Mr E Niebla & Mrs K Alvarez. RECOMMENDATION: GRANTED
5	11/02658/FUL Mr J E Howe	Revised application for the construction of a replacement dwelling. at The Cottage Aiskew Watermill The Bridge Aiskew for Mr D Clarke. RECOMMENDATION: GRANTED

6	11/00895/FUL Mr A J Cunningham	Alterations and extensions to existing dwelling and shop to form 2 dwellings as amended by plans received by Hambleton District Council on 19 December 2011. at 16 & 16A Water End Brompton North Yorkshire DL6 2RL for Mr & Mrs Ashley Whitfield. RECOMMENDATION: GRANTED
7	11/02804/FUL Mrs H M Laws	Application for the retention of an existing portable building for continued use as an agricultural workers dwelling. at Cedar Lodge Tollerton Road Newton On Ouse YO30 2DQ for R W Rooke And Sons. RECOMMENDATION: GRANTED TEMPORARILY
8	11/02783/FUL Mr J E Howe	Application for the retention of a temporary 70M meteorological mast for an additional period of three years. at Land To South Of A684 Winton North Yorkshire for Infinis. RECOMMENDATION: GRANTED TEMPORARILY
9	12/00032/OUT Mr J E Howe	Outline application to replace an extant outline planning permission in order to extend the time limit for implementation for a construction of a dwelling. at Rose Cottage Scruton North Yorkshire DL7 0RD for Mr A Wood. RECOMMENDATION: GRANTED
10	11/02029/FUL Miss A J Peel	Alterations and extensions to existing domestic outbuilding to form a new dwelling and construction of a detached double garage as amended by plans received by Hambleton District Council on 9 December 2011. at 76A Front Street Sowerby North Yorkshire YO7 1JF for Mr & Mrs A Turner. RECOMMENDATION: GRANTED
11	11/02287/FUL Mr J Saddington	Revised application for the construction of a replacement dwelling with detached garage. at 51 Levenside Stokesley North Yorkshire TS9 5BH for Armstrong Richardson. RECOMMENDATION: GRANTED

12	11/02288/CON Mr J Saddington	Revised application for conservation area consent for the demolition of a dwelling. at 51 Levenside Stokesley North Yorkshire TS9 5BH for Armstrong Richardson. RECOMMENDATION: GRANTED
13	11/00544/FUL Mr J E Howe	Alterations to existing dwelling and annexe to form 2 flats and a dwelling plus construction of 2 dwellings. at 28A Long Street Thirsk North Yorkshire YO7 1AP for Mr & Mrs G Denison. RECOMMENDATION: REFUSED
14	11/02305/FUL Mr A J Cunningham	Demolition of existing outbuilding and construction of a dwelling. at Land Adjacent To The Horseshoe Inn West Rounton North Yorkshire DL6 2LL for Mr S Taylor. RECOMMENDATION: REFUSED
15	11/02716/LBC Mr A J Cunningham	Application for listed building consent for demolition of existing outbuilding and construction of a dwelling. at Horseshoe Inn West Rounton North Yorkshire DL6 2LL for Mr S Taylor. RECOMMENDATION: REFUSED

1.

11/02245/FUL

Construction of 5 dwellings and a retail foodstore (class A1) with associated parking, servicing and landscaping at Former Falcon Office Furniture Site, Stillington Road, Easingwold for Retail Development Partnership

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Full planning permission is sought for the construction of 5no dwellings and a retail foodstore with associated parking, servicing and landscaping at land occupied by the former Falcon Office Furniture building, the Fire Station and the former Council Depot.

Foodstore

1.2 The proposed foodstore measures approximately 58.8m wide x 32.6m deep x 6.8m high to the eaves and 9m high to the ridge and has a total floor area of 2,323 sqm. The ground floor being 1,858 sqm and the mezzanine floor measuring 485 sqm.

1.3 The main building will be constructed of structural bays of facing brickwork with contrasting details; timber (glulam) pilasters as stand alone rectangular columns, exposed timber roof trusses and beams with expressed connections in steel. The ancillary block will be finished with through colour render with recessed bands.

1.4 The main roof will be subdivided into pitched roof sections finished with standing seam metal roof and wind catcher structures and rooflights. There will be over sailing gables to the front elevation and hipped ends to the rear with intermediate valley gutters. The ancillary sections have a lower roof with parapet and a flat roof behind.

1.5 The proposed foodstore is positioned directly adjacent to the northern and western boundaries of the application site. The building would be positioned approximately 3m from the boundary with Galtres Drive, 2m from the boundary with George Long Mews, 23m (at its nearest point) from the boundary with Leasmires Avenue and would be set-back by over 40m from the site frontage with Stillington Road.

1.6 It is proposed to erect a 3m high acoustic screen fence from 7 Leasmires Avenue up to 17 Leasmires Avenue and across to 46 Galtres Drive.

1.7 A car park containing 130 car parking spaces, including 5 disabled parking spaces and 5 parent and child spaces, is located between the proposed foodstore and Stillington Road. Provision is made for 18no cycle parking spaces, together with a service area to facilitate the delivery of goods to the store and the removal of refuse.

1.8 Pedestrian access to the store is positioned on the southern elevation of the building facing the proposed car park.

Dwellings

- 1.9 The residential development of the scheme comprises the provision of five town houses arranged into a block of three and a block of two sub-divided by a central access road leading to 7 parking spaces and pedestrian access to the rear garden space.
- 1.10 The proposed dwellings are two-storeys in height and measure 5.9m wide x 8.2m deep x 5.1m high to the eaves and 7.6m in height to the ridge. Each unit contains an open-plan living, dining and kitchen area with separate hallway and WC at ground floor level and two-bedrooms and a bathroom at first floor level, although the proposed floor plans appear to be indicative rather than definitive and could easily accommodate a third bedroom.
- 1.11 Amended plans have been received which make substantial alterations to the external elevations of the dwellings. The proposed dwellings now reflect a more traditional form of architecture moving away from the contemporary designs originally submitted by the Applicant.
- 1.12 The proposed dwellings will be constructed using facing bricks with feature courses at first floor and dentils under eaves and red-multi pantiles to the roof. External features include a flat-roof porch/store to the elevation which will have a lead roof and feature columns with dentils to the roof edge. The windows are traditional in profile and will be coloured white. The main roof will incorporate feature chimney stacks.

Site Description

- 1.13 The application site is located on the north side of Stillington Road just beyond the junction with York Road and is location on the south eastern periphery of Easingwold.
- 1.14 The site is roughly rectangular with a leg extending west and fronting Stillington Road. The overall road frontage is 120m long with the main part of the site averaging 80m wide and 80m deep. The west section is 45m long and 20m deep. The site area is 0.83ha.
- 1.15 The site is generally level and largely free of vegetation with the exception of a row of mature trees which front the site boundary with Stillington Road.
- 1.16 On the western part of the site is a modern factory/office building two storeys in height with a flat roof, formerly used by Falcon Office Furniture. There is an older steel frame and clad building with a low pitch roof to the main part of the site with depot areas to the east and north sections. The Fire Station fronts onto Stillington Road with the former Council Depot positioned behind and to the north.
- 1.17 Immediately to the West is Trac house (a two storey commercial building with low pitch roof) and two-storey dwellings and a three-storey block of flats in George Long Mews off Crabmill Lane. All existing buildings/structures on the site are to be demolished.
- 1.18 Housing to the north is on a slightly elevated position with two-storey dwellings having pitched roofs arranged as semi-detached units with various extensions and garages.
- 1.19 Leasmires Avenue stands immediately to the east and contains single storey with pitched roofs again arranged as semi-detached units. The rear gardens of these dwellings abut the site's eastern boundary.

- 1.20 A row of detached two-storey dwellings are positioned directly opposite the site to the south whilst the Business Park, including the Fire and Rescue Service Training Centre, stands further to the south east

2.0 RELEVANT PLANNING HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant National, Regional and Local Planning Policies are as follows: -

National – Planning Policy Statements / Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
PPG24 - Planning & Noise
PPS25 - Development and Flood Risk

Regional – The Yorkshire & Humber Plan

- 3.2 The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region and was issued in May 2008. The Localism Act 2011 includes provision for the abolition of RSS but the Government have not yet made the necessary order. Consequently RSS remains part of the development plan. However, more relevant and recent guidance is contained within PPS4 and the Local Development Framework.

Local - Hambleton Local Development Framework

Core Strategy – Adopted 3 April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP12 - Priorities for employment development
CP14 - Retail and town centre development
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted 26 February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP16 - Specific measures to assist the economy and employment
DP17 - Retention of Employment Sites

DP20 - Approach to town centre development
DP21 - Support for town centre shopping
DP28 - Conservation
DP29 - Archaeology
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP43 - Flooding and Floodplains

Allocations Development Plan Document – Adopted 21 December 2010

Policy EM1 - Stillington Road/York Road, Easingwold

Supplementary Planning Documents (SPD)

Open Space, Sport and Recreation SPD
Sustainable Development SPD

Other Relevant Documents

Statement of Community Involvement
Hambleton Biodiversity Action Plan
Council Business Plan 2011-15
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 The Town Council wish to see the application refused.
- 4.2 The site is in an area of small residential dwellings and the development will have a detrimental impact on residents' quality of life.
- 4.3 The development would give rise to significant highways issues, increasing traffic flows on an already difficult stretch of road. It will put further pressure on the Stillington/York Road junction where there is queuing at busy times, as well as at the exit to Stillington Road from Crabmill Lane. Further development is planned for the surrounding area at the commercial site further east of the Broadlea estate on the Stillington Road and at Kellbalk, the proposed housing development in the allocations plan. Even more traffic is likely to flow this way from these sites to the Stillington/York Road junction.
- 4.4 There is likely to be light and noise pollution affecting the residential properties opposite the front of the site and the height of the proposed building will impact on properties at the rear of the site on Galtres Drive.
- 4.5 Easingwold has low unemployment so workers for any supermarket may need to travel in from surrounding villages or York, increasing traffic flows. The Town Council would prefer to see housing on the application site.
- 4.6 The 5 dwellings are in an inappropriate location, are not in keeping with the street scene and the materials do not match the existing area.
- 4.7 If the application is minded to be granted Easingwold Town Council wish to see the following conditions applied:
 - Improvements to the Stillington Road/York Road junction and protection for vehicles crossing from Crabmill Lane.

- Safer crossing points on Stillington Road and on York Road for access to the school. A restriction on opening times – not before 7am or after 9pm.
- No deliveries during peak times – ideally deliveries between 10am and 3pm.
- The building to be only single storey with no mezzanine floor, and matching surrounding properties i.e. brick built with tile roof.
- Recycling provision to be provided on site and cycle racks.
- The Town Council would not wish to see a cafe on the site as this would be hugely detrimental to the town centre coffee shops and cafes.

NYCC Highways

- 4.8 Recommends that the Application is refused for the following reasons;
- 4.9 The proposed accesses to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions
- 4.10 Due to the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

HDC Environmental Health Officer

- 4.11 Environmental Health has examined the application based on two options: firstly that a 3 metre height acoustic screen will be in place to protect local amenity and secondly with no acoustic screen being present:-

Noise assessment for future proposed residential development

- 4.12 Agree with the Applicant's assessment and its application of PPG24 to future residential development along Stillington Road. This could be effectively controlled with a suitably worded condition.
- 4.13 The assessment also looks at future noise levels in the year 2021 should the proposal go ahead. Worst case scenario would be that peak traffic flow levels would be an increase noise by 2.18dB. This will have no perceivable impact.
- 4.14 Overall the proposal with or without an acoustic wall has no impact on this conclusion.

Noise from mechanical services and refrigeration equipment (fixed plant)

- 4.15 No further information has been provided about the type, number or position of units, unit cycles or tonal elements or where they will be sited. Given the close proximity to nearby residential properties, fixed plant has the potential to cause impact on amenity. Fixed plant generally operates continuously and during the night which can cause disturbance to sleep. However this could be effectively controlled with a suitably worded condition requiring the applicant to submit a scheme to be agreed by the Local Planning Authority prior to any development.
- 4.16 Overall the proposal with or without acoustic wall has no impact on this conclusion.

Delivery event noise

- 4.17 I have concern over the potential noise impact on the local amenity, in particular noise sensitive properties and outside gardens at Galtres Drive and Leasmires Avenue, caused from deliveries. The closest of which are approximately 17 metres away from the centre of the turning circle.

- 4.18 The applicant has described a single delivery event, which arrives taking 1 minute, unloads for 30 minutes and drives away taking 1 minute. The event lasts in total for 32 minutes. Throughout this period, at a distance of 10 metres away, the average noise level created is around 66dB. The applicant then averages out this figure over a 1 hour period.
- 4.19 The applicant has subsequently advised that there will be 6 - 10 of these events every day for a store of this size.
- 4.20 No further information has been provided on the type of vehicles used, average delivery times or details of peak noise events created such as bangs or crashers which would be a louder noise level and more intrusive.
- 4.21 Part 5.5 (page 18) of the acoustic report advises that noise measurements taken at reference point B show that the 'minimum noise climate of 26dB occurred during the daytime (0700 to 2300). Point B is approximately 10 / 15 metres away from the gardens of 37 / 46 Galtres drive. I have concerns that these low noise levels would indicate that the existing background noise levels in local residents gardens would be much quieter than those for example along Stillington road. This environment needs to be determined because the introduction of a noise source would be more noticeable.
- 4.22 When considering the application in relating to impact on amenity:
- 4.23 *Without the acoustic screening* assessment indicates that the garden amenity at 46 Galtres Drive will be exposed to noise events lasting approximately for 32 minutes at an average noise level of 67dB. These will occur for a maximum of 10 times per day. When comparing these against the minimum background noise environment of 26dB, it represents an unreasonable noise intrusion. Changes of noise level of 10dB(A) are equivalent to a doubling of loudness however residents would be exposed to levels of 35dB+ above what they are used to. Noise at this level would also be audible inside the properties. The figure does not take into account the impact from intrusive peak noise such as bangs and clangs.
- 4.24 *After installation of acoustic screening* assessment indicates a reduction of noise would have occurred as determined at the façade of 46 Galtres Drive. The report indicates that when basing the noise on a 32 minute event, the average noise level heard during that period would be around 48dB. These will occur for a maximum of 10 times per day. When comparing this against the minimum background noise environment of 26dB it represents an unreasonable noise intrusion. Changes of noise level of 10dB (A) are equivalent to a doubling of loudness however residents would be exposed to levels of 20dB above what they are used to. This would also be audible inside the properties. The figure does not take into account the impact from intrusive peak noise such as bangs and clangs.
- 4.25 Historically the Environmental Health Service has had to investigate complaints from residents living near supermarket delivery sites. The common nature to these complaints is they refer to random peak noise impacts such as 'bangs, clangs, rumbling, dragging, clattering, trolley noise' and also other associated activity such as 'lorry noise, vehicle manoeuvres, engines running, beeping sirens, raised voices'. These change in intensity, duration and frequency throughout the day. Complaint also refers to an increase in intrusiveness during summer activity possibly due to increased deliveries or people trying to enjoy outside areas more.
- 4.26 Recommends that the delivery bay in its current proposed position with no acoustic wall is unsuitable because of the likely impact on the amenity of local residents. I would recommend refusal.

- 4.27 Recommends that the delivery bay in its current proposed position with an acoustic wall demonstrates that noise disturbance has the potential to be reduced. However not enough information has been provided about the existing noise environment of local residents who may be effected, or specific information about delivery noise such as peak noise. I would recommend that application is refused based on a lack of information.

Noise from car parking activity

- 4.28 In making an assessment based on 'no acoustic screen' there is a potential for greater disturbance and impact on local amenity. Within the acoustic scheme the applicant has referred to surveys of noise levels at the boundaries of retail car parks. I would like to see further information about the surveys used to determine this assessment for example the type of car park environment used, number of vehicles used in the studies etc. I would recommend that application is refused based on a lack of information.
- 4.29 Based on the proposed layout and acoustic wall the level of 31LAeq, 1hr at nearest noise sensitive premises (for off peak trading hours which would cover the majority of trading period) would be reasonable. However I would like to see further information about the surveys used before an assessment can be made looking at peak trading hours.

Forest of Galtres Society 14.11.11

- 4.30 Strongly object to the application.
- 4.31 These proposals offer insufficient information and show poor design. The viability and prosperity of the town's current shopping premises will be affected and it would thereby have a deleterious affect upon the setting of the Conservation Area. There would be an adverse affect upon the character and appearance of the Conservation Area. Applications which adversely affect the Conservation Area must be strenuously resisted.
- 4.32 Is the developer aware that Broadlea is a lower level than Stillington Road? The height of the proposed building will oppress and overpower neighbours.
- 4.33 The catchment area is unrealistically extensive and does not look credible. One cannot believe that, for example, residents at Skelton or Poppleton with several much nearer supermarkets on hand, might travel to Easingwold for their 'weekly shop'. Shoppers questioned at another supermarket will not tell you what those or other people will actually do in the future. It is those using existing shops who might shop at the supermarket, or not. Drawing away trade would adversely affect the Conservation Area.
- 4.34 The footprint of the supermarket building is further to the north than that of the 'Falcon' shed. The height of the supermarket building is grater than the existing buildings apart from the fire station's climbing practice tower. This is not necessary. The height of the supermarket building can be made lower to enable it to be more sympathetic to the low elevation of the many single storey dwellings which abut the development site.
- 4.35 How will neighbouring dwellings be shielded from the noise, fume and light pollution which will result from a supermarket that may or may not be trading for twenty four hours in the day? That question is unticked on the papers. The delivery section of the supermarket is sited very close to about a dozen domestic dwellings and their gardens. Will there be a 'time of day' restriction on lorries delivering goods? Will there be a restriction preventing lorries sitting with their engines running and/or their chiller engines running, as these generate very annoying noise and also significant

diesel fume pollution. Will the car park security lighting be shielded and dimmed out of hours, to prevent a 'moonbase' light glow spreading over nearby properties?

- 4.36 The general placing and orientation of the actual supermarket on the site should be further away from the back of the site to give more space to the immediately neighbouring dwellings. That is, the same approximate northerly disposition as at present. Two properties will, at their back garden fence, face the new building rising straight up to its unspecified height and they will be seriously over-shadowed by the proposals. The roof layout of north-south ridges does not facilitate solar panels to generate some of the development's power needs directly on site.
- 4.37 The delivery lorry/exit is extremely close to the exit of Leasmires Avenue onto Stillington Road. One wonders if this in accord with the NYCC road design requirements. An existing street junction will have the new exit for lorries and the new supermarket car park exist so close to it. There is also the exit opposite, from Broadlea, and the exit from the five new dwellings within this application. All these combine to require that drivers look in many directions to see what is emerging as they drive along or onto this section of road. Exits in such close proximity are not liked by Highways. The Wilkinsons Court exit is one such case elsewhere in Easingwold. NYCC Highways know this is too close to the Little Lane exit onto Long Street. There are actual accidents with damage to vehicles, and one sees many, many, near misses where drivers do not see what is driving straight towards their vehicle and they escape damage by an inch. This must be avoided here. Any proposal has to be safe for existing road users and also safe for those who may use the proposed development. A safe road design requires further negotiation with the applicants to reduce the number of exits in close proximity.
- 4.38 The five terraced dwellings proposed for the Mallison building's site are totally inappropriate for anywhere in our attractive market town. They will be very visible from the Conservation Area. The design is totally unsuitable and of out keeping, with its long thin windows and strange, flat vertical and horizontal metal slabs at the front, metal gable end walls and metal corrugated roofs. Easingwold needs a much better standard of appearance in any new buildings anywhere in our town (not just in Conservation Areas). Quality brick, sympathetic in colour, with wood rectangular sash windows and a pleasant appearance appropriate to a Georgian market town would be much more suitable. These current designs would be an unacceptable eyesore trumpeting 'utterly out of keeping' to all that see them.
- 4.39 These proposed dwellings also have a very awkward parking area. How will the car using the northernmost space actually manoeuvre into and out of it? The NYCC design guide shows T-shape hammer heads for three point turns and here is no allowance for this. The occupants of other parking spaces can make some movement either way, but not the occupant of the top space.
- 4.40 It is possible that enquiries to the utilities have not shown up the sewerage flooding problems from which the residents on Broadlea and on Leasmires Avenue suffer on occasion. A few years ago the combined sewers serving the Leasmires Avenue bungalows were backed up all the way along their length. This development could disturb the fragile balance of whether sewerage flooding occurs, or not. Broadlea also suffered with upwelling of combined sewer contents into many gardens, garages, downstairs toilets and under floor areas, because the nearby storm overflow could not cope with the quantities passing through. The sewers serving houses near to Stillington Road need to have their level of flow and available capacity considered so that the new development does not have any deleterious effect upon the householders' enjoyment of their homes. The town residents had to campaign to get the earlier problem resolved but changed levels of flows into sewers could be a negative benefit to this part of Easingwold.
- 4.41 There is need for better screening of the proposals onto Stillington Road. These new

buildings should not be inter-visible with the dwellings on Stillington Road and they should not impinge upon the skyline.

- 4.42 The plans need much improvement before they are considered by the Planning Committee. Improve the appearance, safety, materials and disposition for this proposal.

Forest of the Galtres Society 15.02.12

- 4.43 It is quite clear from the new detailing for the supermarket, in particular the three metre high acoustic fence proposed to be erected behind the Leasmires Avenue bungalows to, apparently, shield the occupants from delivery noise day and night, that, effectively, night time deliveries are expected on this site.
- 4.44 How can such noise imposition upon single storey dwellings even be contemplated, never mind putting up a monumentally-sized solid fence structure to 'keep' the noise within the site? Low frequency noise goes wherever it wants, and with prevailing westerly winds it will still affect these bungalows in most unsatisfactory manner. How are they supposed to enjoy the current amenity of their homes when they are to be caged in by such a huge fence?
- 4.45 How will using the very tight turning sweep (it is in no way a 'turning circle' but a highly constrained three point turning area) to and fro with attendant fume, reversing alarms, vibration and gear changes, actually function and be acceptable so very close to these dwellings? Where will the other delivery lorries wait their opportunity to use the turning place and single offloading dock? Surely not on Stillington Road, for they have absolutely nowhere to wait, on site? The entry to this delivery area is now to be shared with all the customer traffic. This all demonstrates how totally inappropriate this site is for development as a supermarket.
- 4.46 The Sharp Redmore letter dated 10 February 2012 states 'daytime is from 7am to 11pm' and 'that deliveries will take place about once an hour' during that time. Is this deemed not to disturb the sleep of the residents in the Leasmires Avenue bungalows where their bedrooms are most likely to be to the rear? They will lose enjoyment of their gardens and of their evening peacefulness behind their properties. The Sharp Redmore letter also states 'noise from fixed plant has the potential to disturb sleep and affect the use and enjoyment of nearby property'. How are existing residents to be effectively protected from such noise?
- 4.47 What has happened to the perimeter treatment for Stillington Road? Sharp Redmore say there is to be a two meter high fence around the carpark perimeter. Where is this shown on the Stillington Road elevation? It is shown on the Leasmires Avenue view. We cannot see anything on the street elevations in particular to make the light pollution from car headlights less invasive. If these proposals were to be granted, those living on Broadlea on the other side of Stillington Road, will, yes WILL suffer pollution from car headlights, from every vehicle with its lights on inside the entry road and car park area.
- 4.48 The appearance and size of the supermarket is still totally out of keeping, as is the whole development, for a site closely adjacent to the conservation area where every development must preserve and enhance that conservation area. The developer may say dereliction is unsightly, but the buildings are not derelict. These buildings also do not pollute, or create noise, or bring in thousands of traffic movements, and most important of all, empty buildings on a small site far out of the shopping part of town do not consequentially kill our thriving shopping centre.
- 4.49 The economic viability of our town, as studied in the report from England and Lyle (commissioned by your HDC officers) points to all the negative reasons why this

development proposal needs to be thrown out. It is quite unacceptable and inappropriate in such a confined and totally domestic setting.

4.50 It is noted that the Sharp Redmore letter states that a planning condition will expect the proposed dwellings to be soundproofed against traffic noise. But this does not help the existing houses where occupants will lose their amenity inside their dwellings and outside, and suffer traffic noise infiltration into their homes.

4.51 We encourage all councillors to look to their duty to uphold the Council's Development Policies and to accept the conclusions (provided herewith) in the Report from consultants, England and Lyle. Councillors should act to refuse permission for this overwhelmingly inappropriate development which is, altogether, too large, and very much in the wrong place.

Keep Easingwold Special Campaign

4.52 The Working Group believes that there is the strongest case that this planning application should be refused and we respectfully request that our concerns are taken into account as part of the application process on three main grounds:

- The Stillington Road Site is completely unsuitable because it is in a residential area and the proposed development raises serious Highways issues
- The store is located outside the Town Centre and the unsuitable location combined with the scale of the proposal would threaten the vitality and viability of other shops, markets and businesses in this historic Georgian Market Town
- There is overwhelming opposition amongst residents of Easingwold and its surrounding villages to this proposed development. This opposition is based upon the negative impact of the store and is supported by local and national planning policy

Highways issues

4.54 Unfortunately the Highways report expected from North Yorkshire County Council is currently not available. This report is most important both to the residents of Easingwold and to the Easingwold Town Council. The Keep Easingwold Special Campaign may wish to take further advice once it is published.

4.55 An independent transport report prepared for Keep Easingwold Special campaign by Optima, Highways & Transportation Consultants, concludes that the proposed Stillington Road site is not suitable for a large retail store. It provides evidence that challenges the traffic information supplied by the Developer and highlights significant concerns regarding highway impact, site access, highway safety, pedestrian safety, car parking, and the accuracy of the traffic surveys and trip rate methodologies contained within the Developer's planning application.

4.56 An independent report by Royal Haskoning, Traffic and Highways Consultants, on behalf of the Co-operative Group, highlights detailed concerns on site access (including issues relating to parking in the lay-by, safety issues relating to forecasts of peak hour traffic and an amenity concern about headlights during hours of darkness), access geometry, car park adequacy and the Stillington Road/York Road junction capacity assessment. Its summary contains ten points which require detailed and careful consideration.

4.57 We would strongly contend that the applicant has failed to demonstrate that the proposed supermarket is acceptable from a highways perspective in terms of highway safety, car parking capacity and impact upon neighbours' amenity.

The Potential Threat to local retailers, markets and businesses

- 4.58 The independent England and Lyle Review of PPS4 Retail Assessment, commissioned by Hambleton District Council, advises the District Council not to grant permission because of its potential impact on local shops. Its conclusions on p20 of the report constitute a compelling case against this proposed development concluding that the proposed site is not sequentially preferable, that the jobs creation information is unreliable, that there would be an adverse impact on the vitality and viability of shops and other businesses as a result of trade diversion, that it would have a negative trading impact on village shops which are already vulnerable, that there is a potential negative effect on the markets in Easingwold, that the scale of the proposed supermarket conflicts with Core Strategy Policy CP14 and that, in its view, the proposed site is more appropriate for development for residential uses.
- 4.59 An independent retail report by NJL Consulting, acting on behalf of the Co-operative Group, also challenges the information supplied by the Developer. It concludes that the applicant's submission on retail impact cannot be relied upon as a proper assessment against Policies DP23 and PPS4, that there is the potential for the proposal to have an adverse impact upon the vitality and viability of Easingwold Town Centre contrary to Policy DP23, that the proposal does little to sustain or enhance the character and attractiveness of Easingwold and is contrary to Policy DP20, that the proposal is of an inappropriate scale for the town and that the scale and design for the site are contrary to Policies CP14, DP1 and DP20.
- 4.60 An independent survey of local retailers, organised by the Keep Easingwold Special Campaign, demonstrates that 94% of respondents consider that the proposed development would have a negative impact on the Town Centre with 73% considering that it would have a negative impact on their individual businesses.
- 4.61 We again strongly contend that the applicant has failed to show that the proposals are acceptable and that this large out of town supermarket would cause substantial and irreversible harm to Easingwold Town Centre.

Public Opinion & Other Issues

- 4.62 The Easingwold Town Council (apart from those members who are NYCC & HDC Councillors and who therefore abstained to avoid a conflict of interest) voted unanimously on the 31st January to ask Hambleton District Council to refuse this particular planning application.
- 4.63 At the Easingwold Town Council Meeting on the 31st January it was announced that in the Town Council's Questionnaire respondents had voted comprehensively against the proposed development.
- 4.64 There have to date been some 240 letters of objection to this planning application with only some 10 in favour. Those residents, whose properties are close to the proposed site, would be very seriously affected by this proposed development.
- 4.65 At the Town Council Public Meeting on 23rd January there was a show of hands which demonstrated that some 98% of those attending this meeting were opposed to this planning application.
- 4.66 There is concern about the cumulative effect of this planning application, the proposed Redrow Housing Development on the opposite side of Stillington Road and the proposed Grain Dryer at Crayke on Stillington Road and on other roads in Easingwold. Apparently NYCC Highways Department considers that it will not be appropriate to carry out an assessment of this cumulative effect. Furthermore the LDP has earmarked additional housing sites to come on stream in the next few years, which will also have important traffic implications.

- 4.67 The Public Petition opposing this planning application has been supported by 1551 signatories in the first tranche, with more to come.

Yorkshire Water

- 4.68 No objections subject to conditions.
- 4.69 The Flood Risk Assessment for this site (prepared by Marks Heeley - Report H8643 rev B dated 09/2011) is satisfactory from Yorkshire Water's viewpoint. The report confirms that foul water will discharge to a public foul water sewer, and surface water discharge to a public surface water sewer, via storage, with a restricted discharge (of 86.9 and 5.2 l/s).

Police Architectural Liaison Officer

- 4.70 Notes that there is no mention of crime and the fear of crime, both material planning considerations in this application how this proposal intends to deal them. So, although these details can be agreed later on, they should be based on the relevant part of the Design and Access Statement, and conditions should make sure this happens.
- 4.71 The existing boundary fencing is adequate but will need some infill fencing to ensure the perimeter is intact.
- 4.72 Recommends that there be locked gates to prevent unauthorised access to the rear where criminals could work unseen to gain entry. I would recommend that a lockable gate be installed at the front left edge of the building adjacent to where the cycle racks are shown, and another lockable gate at the rear right hand corner.
- 4.73 There should be adequate lighting in the car parking areas especially if there are staff working at night within the store, with their vehicles being parked at the front. The lighting should be illuminated on a dawn to dusk sensor and be compatible with the CCTV.
- 4.74 Recommends that the glass fitted into the windows should be 6.8mm laminate glass as a minimum. The windows should conform to BS7950 and the doors should conform to BS 6375 and BS PAS 24:2007 or WCL 1, for enhanced security.
- 4.75 There should be external CCTV covering the car park areas, the sides and rear of this supermarket as well as any internal CCTV.
- 4.76 The CCTV should be installed by an alarm company that is registered by the National Approval Council of Security System (NACOSS), or the Security System and Alarm Inspectorate Board. (SSIAB), to warrant a Police response to that premise.
- 4.77 Recommends that the houses apply for Secured By Design as a condition of the Planning.
- 4.78 The remote car parking causes me concern. The parked cars are not overlooked by their owners and they are immediately accessible by just taking a few steps from the highway. With rear fencing being 1.8m high, the cars would not be able to be seen from 'regularly inhabitable rooms', i.e. ground floor rooms.
- 4.79 Provision should be made for being able to provide 'in-curtilage parking' bearing in mind that virtually every adult in the home will require transport in this rural location.
- 4.80 Recommends that the houses be reconfigured to allow in curtilage parking within the front gardens.

- 4.81 Recommends that any rear access to the rear of the houses be protected from crime by a lockable gate.

Network Rail

- 4.82 Confirmed no observations.

English Heritage

- 4.83 Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion

Publicity

- 4.84 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert appeared in the local press. The formal consultation period expired on 29th November 2011. A total of 264 objections and 10 representations of support were received and have been summarised as follows:-

Impact on Existing Centre & Local Shops

1. The supermarket will draw trade away from the existing centre leading to the closure of town centre shops and possibly the market too and therefore damage the town's vitality and viability.
2. This development will not contribute to the vitality and viability of Easingwold or enhance its established character.
3. The town already meets day to day needs with a range of convenience stores and specialist shops.
4. Local shops provide choice, quality and a friendly personal service which many residents value and don't want to lose. They also attract people to the town and the traditional Georgian Market Place is an asset which should be protected.
5. There is no overriding qualitative and quantitative need to build a superstore which doesn't respect the character or scale of the town.
6. It is the very retention of local small bakers, butchers and greengrocer shops that gives the essential character to the Town and area of Easingwold.
7. Once residents are inside a local large Supermarket, the ease of being in a "one stop shop" will permit the purchase of local newspapers, their bakery, confectionery, tobacco, electrical, meat and drink supplies while they are there. This feature of Supermarkets is critical to the Supermarkets effect on local trade. It is just not the case that trade will only be taken from the existing Coop Supermarket.
8. Soon a pharmacy will be in place, as will every opportunity to ruthlessly mop up all residual business opportunities from the local retail market to maximise their turnover. This is what leads to ghost town centres.
9. A large Supermarket just out of walking distance to most residents will act as a rival town centre. People arriving by car will find Supermarket parking easy against the difficulty in parking in the Market Square. Visitors will not want to park and shop twice.
10. Village shops in Huby and Stillington and local farm shops would be threatened by this supermarket.

11. PPS4 Guidance addresses the Impact of large food stores on Market Towns in the light of a research report on this very subject, stating that smaller centres which are more dependent on convenience retailing to underpin their function are more vulnerable to the effects of larger foodstore development at edge of centre and out of centre locations and concluding it is vital that those responsible for the future of market towns and district centres adopt a cautious approach to considering the location and likely long term consequences of the development of food stores in non-central locations.
12. "I believe that our high streets are a really important part of building communities and pulling people together in a way that a supermarket, however convenient, just never can....High streets of the future must be a hub of the community that local people are proud of and want to protect." These words from Mary Portas' recent Report could not be more pertinent to this planning application and are borne out by views expressed in the correspondence on your website and the many customers from the town and villages who have shown support for their local shops by signing the petition objecting.
13. A lot of publicity has been given to the project being carried out by Mary Portas who is attempting to find ways of regenerating local shopping in areas that have already been extremely adversely affected by out of town supermarkets. There is no doubt in my mind that the positioning of this proposed store would simply suck trade away from exiting stores in our town centre leading to yet another area like those Mary is trying to put right.
14. The Applicant's assessment of trade diversion seeks to set out anticipated trade diversion of the proposed store. It identifies estimated turnover figures of existing floorspace, but uses a selective mix of company average turnover per square metre and revised (higher) figures, based on estimates using data from the household survey. It goes on to estimate where trade to the proposed store will be diverted from.
15. The applicant suggests that the lack of a large main food shopping facility in the town means that the majority of the impact will be upon the Co-op at Long Street (at 42%) and other larger stores outside the catchment, where they state it has been assessed people from the catchment, where they state it has been assessed people from the catchment undertake their main food shopping.
16. The applicant does not, however, apply trade diversion rates based on the household survey and in accordance with Practice Guidance on PPS4 which suggests the use of current shopping patterns from household survey work. The applicant's study identifies, for example, that trade will be diverted from several stores in Middlesbrough, although these stores are not identified as main food shopping destinations in the household survey data submitted.
17. The Trade Diversion table omits to include Easingwold Market (also omitted from the capacity assessment).
18. The Retail Assessment indicates that the new store would potentially generate a turnover of around £17m a year which is approximately 4 times the estimated current turnover of the Co-op of £4.28m and nearly 2.5 times the total spend in Easingwold of £7.02m. This is a massive level of spend and can only possibly be achieved by taking away spend from existing stores and capturing a massive amount of the current out of town spend. This would be achieved by a large foodstore group undercutting the current local price structure to draw trade away from the existing shops, which would then ultimately close.
19. The trade diversion applied is unrealistic and not based upon surveyed evidence and

the conclusions of the applicant's retail impact study cannot, therefore, be relied upon as a proper assessment of retail impact under PPS4 or adopted development plan policies including policy DP23.

20. On the basis of these uncertain assumptions, the study suggests that just £0.02M will be diverted from stores in the town centre having an impact of 0.06%. This estimate is made on the basis that the new store will principally only divert existing main food shop expenditure, but the applicant's shopping study acknowledges that the store will also attract top-up trade. Further, it does not consider the effect of the introduction of a large modern foodstore into a market town. It asserts that the local shops already trade alongside a supermarket, although the Long Street Co-op is approximately one-third the size of the proposed store and provides a complementary function to the town centre, positioned to enable linked trips with the town centre.
21. Further, the impact analysis ignores the weekly market (and farmers' market) which are both extremely important to the vitality and viability and character of the small market. It makes no assessment of trade diverted from the market to the new store. It is very likely that trade will be drawn from the market which could threaten its future viability. In considering how to judge effects on vitality and viability on a centre, PPS4 suggests that in centres which rely on a particular diversity and special character it may be appropriate to take a cautious approach to potential adverse impact.
22. The assessment also fails to consider the differing shopping habits of a small market town, applying assumptions on main / top-up spend based upon national averages. In a small market town it is likely that a greater proportion of shopping is undertaken on a top-up bases due to the nature of the community and the market and shops available where shoppers use the market supplemented by visits to individual retailers supported by a complementary supermarket.
23. The introduction of a much larger supermarket, however, with adjacent car parking, in what the Applicant's Agents describe as a 'much more attractive shopping environment' could alter these shopping habits. The proposed store is located in an out of town location, just under a kilometre from the primary retail area, where, it is likely, that the majority of visits will be by car with limited opportunities for complementary linked trips with the town centre.
24. The store is an inappropriate scale for the town. The proposal is for a store of 2,323 sqm gross including 1,286 sqm net sales of convenience floorspace which is well over double the existing amount of convenience floorspace in Easingwold. Policy EC16 of PPS4 requires consideration of the scale of a proposal in relation to the size of the centre. It is considered that an increase in convenience floorspace of this scale will have an adverse affect on the centre. The proposal for a store of such an inappropriate scale to the centre should be refused.
25. If people want to shop in a superstore there is a weekly bus service to Morrison's in Boroughbridge (free with a bus pass). To say that it takes 4 bus journeys is not accurate. Asda, Tesco and Sainsbury's deliver locally.
26. Easingwold is a market town with long traditions of holding a weekly market and monthly farmers market. The introduction of a supermarket such as this would almost certainly mean that these would not survive.
27. Easingwold already has sufficient coverage of supermarkets with COOP and Costcutter.
28. A supermarket in this beautiful Georgian town of Easingwold would completely destroy the appeal of living and visiting such a lovely place.

29. If prices of foodstuffs, etc, are considered too high in Easingwold this will not be solved by the introduction of a new supermarket. This supermarket would have a virtual monopoly and prices would most likely be raised in this store to adapt to the market conditions
30. One of the arguments put forward by the developers was that it would encourage local residents to shop locally. A lot of these shoppers will be using cars which of course use fuel, as Easingwold only one petrol station, motorists are going to use a garage that sells fuel at a competitive rate. Therefore many motorists are going to go to Clifton Moor or Thirsk for fuel, and most probably kill two birds with one stone by doing their shopping at the same time.
31. Similar situations have occurred nationally and indeed in many nearby market towns where a large supermarket has come in and taken over most of the local retail spending and left a much less active town centre with many empty or charity shops. A very good example is the market town of Market Weighton (5,500 population) just to the south of York and where a new 20,000 sq ft Tesco built 3 years ago.
32. We are all aware what has happened in other small towns. For example, Penistone where a large supermarket opened a couple of years ago and local shops are already suffering.
33. The Merry Hill development on the old Round Oak steel works site in Dudley in the West Midlands has had a devastating effect on Dudley town and its high street together with Stourbridge Town. These are towns in a much larger/wider urban development area than Easingwold.
34. Welshpool in Powys has recently experienced the effect of another Tesco Superstore being added to already adequate facilities with existing supermarkets and local small businesses in the town. There was strong objection from the local community and its wide catchments, but the development went ahead despite this. The development has already had a knock on effect as predicted and changed the market town as predicted.
35. There is a significant risk that local shops will not survive the impact of a new supermarket leaving the centre of Easingwold empty. This is a known phenomenon and has happened in Wick where the centre of town is dead and occupied by empty shops, takeaways and charity shops.
36. Barnet: Councillors refused to approve Tesco's plans to turn a carpet store into a Tesco Express because they said that it would damage the "vitality and viability" of the area, threatening the survival of local shops. Tesco appealed to the Planning Inspectorate but in April 2007 the Planning Inspectorate upheld the council's decision. This has been described as a landmark decision because it provides a precedent for rejecting Tesco Express applications where they threaten local shopping areas, as one would in Easingwold.
37. Darlington: In December 2007, councillors in Darlington rejected Tesco's application to build a Tesco Express because it wasn't needed, would threaten local shops, and would generate too much traffic. Tesco put the site up for sale.
38. Norwich: Tesco's applied to build a store on the site of a former petrol station. The applications were refused on the grounds that the proposed store would pose a threat to highway safety and the lack of parking spaces would increase traffic congestion in the area. One of the councillors said that "we did think there was definitely a traffic danger to the public".
39. Sefton: Councillors in Sefton turned down an application for a Tesco Express in June 2007 on the grounds that a Tesco Express would disrupt local residents, that the

delivery plans would be a threat to road safety, and that it would increase traffic congestion.

40. Chorlton: In December 2007, Manchester City Council Planning Committee refused permission for a Tesco in Chorlton, South Manchester. Councillors voted to refuse on the grounds that it would cause road safety problems and would harm the area. Preston: In January 2008, Preston council rejected an application to build a Tesco on the grounds that there was no proper provision for parking and that it would have an "adverse impact on the vitality and viability of nearby local centres and retail provision". All of these cases show that there are real and effective planning grounds for turning down applications for large supermarkets for exactly the reasons that thousands of us oppose the Easingwold proposal. They show that where councillors and planning officers are committed to representing local people and to defending their interests.
41. It is also important to consider the impact of free parking at the supermarket given the possibility of paid parking being introduced in the town centre. A further disincentive to use local shops. People are only likely to walk into the town centre from the supermarket if they are given sufficient time allowance on their parking.

Location

42. If a Supermarket is to be located in the area, it must be situated in such a location that allows room for both large scale shopping as an alternative to Clifton Moor in York. The Stillington Rd is not such a place for a large Supermarket and it must be located further out of town if indeed it should be located here at all. That way, both types of store are supported and Easingwold keeps its "tradition small market town appeal".
43. It is obvious then that many, if not most of the employees will come from the villages as that is where 70% of the local population lives. Most workers from Easingwold walk or cycle into work on the edge of Town especially on wet or cold days. In Easingwold, it is well known that people even drive 100 yards to go to a shop for the paper. Given then that most will arrive by car, then the location of the supermarket is not critical and it can be placed anywhere outside of the town itself where it will have less effect on local traffic.
44. The application site would be better used for housing, including affordable housing, of a design that respects the setting and retains existing trees.
45. Could the supermarket go on the Redrow site, with easier access opposite the school? This site could be used for housing.
46. Stillington Road is too far from many homes to be accessed by those without a car. The Co-op is accessible on foot, bicycle and by car and is not unduly expensive.
47. The new 'Neighbourhood Planning' is supposed to help local areas to develop sustainable plans which are suitable for the locality. Such a plan should be developed for Easingwold. This should incorporate land in Stillington Road
48. The best way to rejuvenate this site would be by additional affordable housing.

Design of Supermarket

49. The development is out of keeping with the size, character and distinct identity of this historic town.
50. The proposed building is totally inappropriate in size and height for this site.

51. The materials for the construction do not blend with the surrounding buildings.
52. The design of the proposed store does not comply with Policy DP32 on General Design.
53. The modern design with extensive use of glass and the disproportionate scale of the proposed building in a small residential area with a historic streetscape beyond would be utterly discordant with its setting.
54. The proposed foodstore will dominate the streetscene at the entrance to the town from Stillington Road, overwhelm the bungalows around it and have no architectural linkage to the period houses and the long view up Long Street beyond.
55. A single story building of half the height of the proposed would be less intrusive in the area.
56. Why have solar panels for energy saving not been included?
57. The new foodstore building has been designed with the roof pitches in East/West orientation rather than a southerly aspect with no provision for photovoltaic solar panels to improve energy efficiency of the building.

Protecting Amenity

58. The service yard is directly adjacent to residential properties and consequently there are likely to be amenity concerns.
59. During hours of darkness the headlights of emerging store trips will shine directly upon the windows of the residential properties opposite.
60. Will have a detrimental impact on residents in the immediate neighbourhood by virtue of traffic and parking problems, road safety issues, 24 hour lighting and noise nuisance, delivery lorries turning and reversing, disturbance and loss of privacy.
61. Elderly residents value their home and back garden and would be devastated by a new supermarket being built so close to their homes.
62. Noise and light pollution will be a considerable problem.
63. It is poorly located, introducing a commercial development in close proximity to residential properties in an out of town location.
64. The noise assessment, submitted in support of the application, identifies that the minimum daytime noise level taken at local residential properties is 26dB. It suggests a restrictive condition on noise from mechanical plant of the store to not exceed 35dBA at any time which, even with this restriction, would represent (at times) a change in noise level for those properties of 9dB, exceeding the BS standard and representing 'a significant impact'. This demonstrates an aspect of the adverse effect the proposal would have on the amenity of the town and in particular the local residents.
65. The store could operate for long or even 23 hour period, which would result in day and night activity and lighting an inappropriate location in the market town.
66. The size of the proposed supermarket is totally unacceptable for the size of the site. It is too near to the surrounding houses.
67. Life will be made intolerable for residents living nearby and other members of the general public. The increased traffic on this small rural road, with delivery vehicles

arriving at all hours of the day and night with all the assorted noise that goes with this, air brakes, reversing beepers et, customers arriving from 7.00am until 10pm, traffic jams, not being able to get out onto the Stillington road (it is difficult as it is) this is not acceptable.

68. Far too close to 7 George Long Mews.
69. Such a large site would overwhelm the adjacent houses as well as greatly disrupting their occupants.'
70. If the supermarket is open 7 days a week for 15 hours (8.00am to 11.00pm) and there is an increase of 18,000 vehicles per week (based on 70% of visitors using a car) that would equate to 2.8 vehicles per minute braking outside 9 Stillington Road. This level of traffic would have a detrimental impact on existing residents.
71. Headlights will constantly beam into residential properties on Stillington Road. The construction also appears to be mainly glass fronted and will therefore emit far too much light for the residents of Stillington Road (unless they are not expected to retire until 11.00pm every night).
72. The Environmental Noise Assessment states that "the only realistic amelioration measure would be to close their windows and improve their sound insulation" "with other forms of background ventilation." Nowhere in the report were the existing residents of Stillington road taken into account and acoustic measures were only suggested for delivery vehicle noise at the back of the site.
73. The inevitably massive illumination of the complex will cause ugly and unnatural light pollution.
74. 24 hour opening is unnecessary in a town of this size and will mean the traffic, noise, light pollution etc is constant.
75. Residents of Leasmires Avenue will be disturbed by the noise of lorries delivering at all hours.
76. There should be proper and full screening of the supermarket customers' car lights so that residents in properties sited at a lower level across Stillington Road are not distressed by repeated, beamed light pollution.
77. An additional 11,000 weekly car journeys on Stillington Road, accompanied by a surge of delivery vehicles, would increase atmospheric and sound pollution and reduce local quality of life.
78. Given that the noise levels are only estimates, it is equally possible that they could exceed the WHO levels. It is unacceptable that noise levels will be high enough to disturb sleep.
79. Will the car park have barriers after closing hours or will it be a target for the latest race track?
80. By virtue of the large amount of elderly peoples bungalows situated nearby, elderly people will struggle to cope with the hassle & huge traffic increase involved.

Highway Safety

81. A retail store in this location will create a traffic hazard on Stillington Road and nearby streets.
82. Stillington Rd (6m wide at best) is too narrow for parking. Any parked vehicles will

queue traffic behind or interrupt traffic in the opposite lane if the parked cars are overtaken.

83. Many cyclists struggle travelling down the narrow Stillington Rd. There is not enough room to give sufficient berth to a cyclist when traffic is coming the other way.
84. The proposed supermarket site access should be in the form of a ghost island junction in accordance with DMRB TD 42/95. Forecast daily turning movements are significantly above the 300 threshold at which TD 49/95 suggests the provision of a ghost island. Any such provision would require significant works and land take and may reduce visibility splays at the proposed junction. There is no information before the Planning Committee to show that such a junction is acceptable or deliverable in the proposed location.
85. Overspill parking in the lay-by on Stillington Road will increase resulting in reduced visibility for vehicles exiting residential properties.
86. During peak times on Saturday, children and parents and vehicles travelling to and from the Easingwold Football Ground nearby will want to get past the site and will not be able to. There is great likelihood for accidents as frustrated drivers attempt to get past stationary cars.
87. If the ability to park at the roadside is to be removed, this will have a detrimental effect on the tread of ETC.
88. School children already have to run the gauntlet on their way to Easingwold Secondary School and this application will only add to their safety problems.
89. The road is very badly marked, making it even more dangerous when it is dark.
90. Requiring a 90 degree turn of heavy vehicles, even if articulated, in a narrow road will cause a traffic hazard, and cause traffic delays, and could tail back to a road junction which in turn has another T junction (with Crabmill Lane - a Bus Route) on top of a roundabout
91. The 6 spaces allocated for the dwellings are completely unsatisfactory for this particular location since alternative additional parking is not available nearby.

Access

92. The proposals show that the supermarket access would be used by both customers and delivery vehicles. This raises serious highway safety concerns with regard to conflicting HGV and customer vehicular and pedestrian movements, in particular in relation to the swept paths of large articulated HGVs. The applicant has not provided Swept Path analyses to show large vehicles turning through the access but it is our strong expectation that such manoeuvres would cross centrelines and conflict with oncoming vehicles.
93. Swept path analysis undertaken by other consultants objecting to the proposals shows that a 16.5m articulated HGV cannot satisfactorily access the site.
94. Large delivery vehicles would also conflict with customer traffic within the site, passing the ends of the two main parking aisles and potentially having to wait in the car park if another vehicle of any size was present in the service yard.
95. The proposed access to the supermarket is located approximately 35m west (centre line to centre line) of the junction with Leasmires Avenue. It is considered that the close proximity of these junctions could lead to an increase in conflicting vehicular movements. This should be investigated to determine if there is likely to be an

increased risk of accidents.

96. The proposed access to the residential development is located directly opposite the junction with Ingleton Drive. Again it is considered that this would lead to an increase in conflicting vehicular movements and again should be investigated to determine if there is likely to be an increased risk of accidents.

Traffic Generation

97. Locating the supermarket on the Stillington Rd site will cause a significant amount of traffic congestion on the Stillington Rd, which is an unclassified 6m wide country lane and as such is totally unsuitable for such a development.
98. The TA forecasts additional pm peak hour traffic of 137 vehicles on the property side of Stillington Road, i.e. NW bound. Consequently vehicles exiting residential properties will have an increase conflict with through trips in the order of an extra vehicle every 26 seconds. This is a safety concern.
99. Easingwold comprises only about 25% of the catchment area's population. The majority of the stores customers are likely to originate from surrounding villages, most of which are within 5 miles in distance and of those that are not, many still see Easingwold as their main town. Most of the traffic will be coming in and out of Easingwold by car and if the developer has based his 11,000 car trips a day without realising that most trips will be from villages he has seriously underestimated the number of car trips on the Stillington Rd.
100. The Developers have stated that "Walking is an important mode of transport for journeys up to 2Km in length" (not in Easingwold it isn't, where there is a significantly mature skewed population of course) and "a large proportion of household in Easingwold are within a 1Km walking distance". Maybe, but a large proportion (Clay Penny, Prospect Farm) are not. Do the Developers really imagine that they have designed the Supermarket for shoppers buying only 1 or 2 light items? Of course not, they hope to take business away from Clifton Moor and the like and shoppers making the weekly "full shop". Since when did anyone walk home with a full weeks shopping! – let alone those (the area's 70% majority) from the villages?
101. The A19 bypass would cease to be so effective if a supermarket is on the Stillington Road as it would inevitably draw in custom.
102. The junctions at York Road and Crabmill Lane are hotspots with tailbacks at peak periods. Add to this the grain store at Crayke and the designated building sites at Kelbalk and the Ward Trailer site and gridlock will be the certain outcome.
103. Easingwold and its infrastructure are not large enough to accommodate this level of increased traffic.
104. The claims made by the supermarket in relation to the incidence of people walking to shop strike me as particularly disingenuous. Most people doing their main shop will always drive if they have a car. Supermarkets know this and measure their business by car boot fills. Traffic assessments must take this into account.

Stillington Road/York Road Junction

105. The observed flows presented suggest that the area is lightly trafficked and the junction works well within capacity. However this contradicts the opinions of local residents with many expressing concerns regarding the amount of traffic using this junction. In addition, traffic counts undertaken by a third party consultant showed significant inconsistencies when compared to the flows presented in the TA.

106. The 2011 assessment suggests that it currently operates well within capacity with minimal queuing on the Stillington Road arm. However, this contradicts the opinions of a number of local residents who believe considerable queues can be observed at this location. There is no observed queue data presented in the TA thus there has been no validation of the 2011 capacity assessments.
107. As there has been no validation of the base year model it is considered that the future year model may not accurately reflect the effects of the proposed development. It is considered that any validated model of the base year model would show existing queuing on the Stillington Road approach which would increase with the addition of the proposed development traffic.
108. The junction from the York Road is well known by local people as one of the most dangerous in Town irrespective of the views in the traffic survey.
109. The Traffic Assessment states that even after the Supermarket is built, the worst case scenario is that there will only be no greater than one vehicle in the queue at the York Rd. junction. This statement is utterly ridiculous and yet another indication of how little the developers know about the area. At many times of the day, there are already significant queues at the junction of Stillington and York Rd often made worse by parking outside ETC on the corner and presumably in the future, parking outside the 5 homes that are planned there.
110. There is insufficient space for the proposed roundabout replacing the Crabmill lane junction.

Service Vehicle Area

111. The proposed service yard is only large enough to accommodate one delivery vehicle at a time. In the event that the service yard is occupied there is no room within the yard for another vehicle. This would at best result in delivery vehicles standing in the car park, causing problems for customer traffic and could result in delivery vehicles having to reverse through the car park and back onto the main road i.e. past three internal junctions and through site access junction.

Car Parking

112. The planning application states that the development would have 100 full time and 100 part time employees i.e. an equivalent number of full time employees of 150. It does not states what proportion of employees would drive to work but being in a generally rural area the proportion of car drivers is likely to be high. Even if a low proportion of drivers say 50% existed and even if just half of all full time equivalent staff are present at one time the parking requirement for staff would be 38 staff parking spaces. This would result in a significant loss in the number of available customer parking spaces.
113. At peak times the Easingwold Coop car park is full, and yet the Shopping Survey states that most people do their main shop outside of Easingwold? If as the developers naturally desire, this new Supermarket encourages those “outside shoppers” as well as a sizeable proportion of those using the Coop – then the <130 place (i.e. minus staff) car park is going to be full on a regular basis and cause absolute traffic chaos on the Stillington Road with queues of stationary traffic, queuing both ways, waiting for a place to park. It will be impossible to overtake without moving into the opposite lane and with queues in both directions, and on a narrow 6m road, there will be chaos there!
114. A total of 182 vehicular trips are forecast to arrive at the proposed development during the weekday peak hour. No car parking occupancy calculations have been provided within the TA but it is likely that if such an exercise was undertaken overspill

parking would be found.

Travel Plan

115. Given the generally rural nature of the area the proportion of trips by car could be high. There is no substantial detail on sustainable mitigation measures such as would be provided in a travel plan. According to PPG13 the proposal is of a scale that warrants a Travel Plan. A framework is presented but contains little or no specific detail. For example there are no targets and the timeframe over which a Travel Plan would operate is not set.
116. Even if the Committee is minded to approve the application, significant and adequate funding for a Travel Plan should be secured at this stage.

Stillington Road is a HGV Rat Run

117. Indeed the situation is much worse than envisages, as the Stillington Road out of Easingwold is a well known Sat Nav "Rat Run" which diverts HGV's from the A19 eastwards to avoid the Clifton Moor Roundabout. Planners may be surprised by the high number of vehicles from Scarborough using this route...in addition to those travelling to Felixstowe.

Data is incorrect

118. I (Frank Johnstone Banks) have counted the traffic on the Stillington Rd. between 8 am and 9 am on 2 weekdays (during week 4 in November and week 1 in December 2011) – on both of which I found the total to be 545 and 587 vehicles respectively during that hour – significantly higher than the Developers surveys.

Design of Dwellings

119. Rather than trying to prove that the "ultra modern" styling of the Supermarket and new housing cannot be seen from the Conservation area of the Town, the Developers should be striving to produce a piece of architecture that seeks to be included in the heritage feel of our Town
120. The proposed dwellings (original design) do not reflect the character of Easingwold.
121. It is just not good enough to say that "It is also frequently preferable not to imitate older or existing buildings as this can be detrimental to their appearance, setting and individuality" The Developers will be soon long gone, and Easingwold will have lost an opportunity for good design forever. In particular the frontages are totally and utterly not in keeping with what is desired by those living in the area.

Car Parking for Dwellings

122. The car parking area for the dwellings has limited visibility and manoeuvrability. Each house is likely to have two cars; therefore the level of provision is insufficient and will lead to on-street parking.

Heritage

123. Easingwold is marketed on HDC website as an "unspoilt Georgian North Yorkshire market town." The traditional market is a visitor attraction and a defining feature and the historic centre of the town is designated as a Conservation Area. This development is not appropriate in scale, design or location in this small historic settlement.
124. The character of Easingwold and the Conservation Area would be seriously affected

by the proposed development.

125. The proposal will cause substantial harm / loss of significance to a designated heritage asset (the Easingwold Conservation Areas in Long Street and the Market Place: the historic core of the town).
126. The Heritage Statement in the application does not take into account some key implications of Planning Policy Statement 5.
127. All the extra noise, vibration, pollution and traffic congestion will have a detrimental impact on the historic environment.
128. A development of the proposed scale, design and purpose on this site at the entrance to a historic market town will detract from the historical character of Easingwold in respect of all the above considerations.
129. The Conservation Area covers the historic core of the town, still the site of a thriving traditional market and the hub of local retail trade (conducted from small premises promoting local produce) which is intrinsic to the town's significance in heritage terms, providing continuity of its rich history, maintaining its 'local distinctiveness', 'economic vitality' and contributing to the 'sustainability of the community.'
130. A large chain supermarket will not contribute positively in terms of character and will inevitably compete for trade with existing retailers. If these small local businesses lose custom, jobs will go and one by one the shops in the core of the town will close. Easingwold will lose its individuality (its local distinctiveness) its sense of place, its function as a market town and thereby its defining character (and its value or significance as a designated heritage asset) will be irretrievably diminished.

Drainage & Ground Conditions

131. The drainage in that area is already inadequate resulting in drain overflows
132. Drainage problems - the surrounding area already has problems with drainage of surface water causing problems to residents This would be exacerbated by proposed development which has no special plans in place except for surface water to drain away naturally
133. The existing sewer across the site is stated to be "inadequate for the flow and pipe diameter" and yet this is proposed to be re-laid on a new alignment with a change of gradient from 1:390 to 1:295, hardly a significant flow change. However the new alignment increases the sewer length considerably and takes a less direct route. Does this extra length at a flat gradient increase the likelihood of flooding?
134. As this site will become all "hard surface" (i.e. Roof and Car parking) the run-off will be enormously increased and almost immediate. As the adjacent housing already suffers from serious flooding at times of storms, this makes the site totally unsuitable for its proposed use.
135. Flood Risk Assessment (Marks Heeley Ltd): the report, p4, states that the site is underlain by sand and gravel. However the geology map (appendix C) indicates that the drift (superficial) deposits comprise glacial till (previously called boulder clay) bordered by head, a mixed (unsorted) deposit of clay, silt, sand and gravel. Deposits of blown sand also occur to the north and west of the site. There is no mention of the underlying solid geology nor the level of the water table, both of significance with respect to flood risk assessment. The 1:50,000 geological map shows the underlying solid geology to comprise the Mercia Mudstone group.
136. The geological information, para 3 (page 10) in the Archaeological Assessment,

(produced by CGMS, Oct 2011) states 'drift geology of the area takes the form of clay laid down in the middle Lias'. This is nonsensical as the Lias is not a drift deposit. It also states that the solid geology is Keuper Marl. This nomenclature was replaced by Mercia Mudstone several years ago.

137. It leads one to question how much else of the report content, in each case, has been compiled by persons unqualified, or not competent, to interpret the material used in the assessments.
138. Having been employed locally (NYCC and Mouchel), as a Principal Geotechnical Engineer, I take an interest in ground conditions and am aware, from both anecdotal and personal experience, that difficult ground conditions (running sand) are present in the local area with development halted on the existing industrial site on Stillington Road some years ago. Deep excavations on the proposed site may well impact significantly on adjacent properties. Without specific site investigation data it is not possible to comment further at this stage.

Other

139. Easingwold is a "hub". There are easily as many people from the surrounding villages who use it to work, shop, socialise and go to school. Has there been any consultation with them?
140. Hambleton District Council stands to gain financially from the development.
141. The land in question has not been made available on the open market particularly as two parts of it are owned by HDC and the Fire Service respectively.
142. Developer should be obliged to provide a 'sweetener' for the community. The Developers at Prospect Farm provided a car park for the primary school and the Developers of Showfield Park provided a new Scout Hut.
143. Town Council survey is slanted in favour of the development, and disenfranchises 70% of the catchment area, the Easingwold surrounding villages (based on HDC population statistics)
144. References in both the Flood Risk Assessment and the Archaeological Assessment both contain inaccurate and incomplete statements.
145. Will the Council substantially reduce the nearby resident's Council Tax to compensate?
146. The money/profits generated by a superstore will go out of the area and will not directly benefit local people.
147. A superstore will only give token support to local suppliers and producers
148. The superstore model is unsustainable in the long term future. Projections suggest that local models of food growing, supply and sales will be most resilient in the future.
149. Enquiries of local shop holders indicate that local suitable labour is not readily available from within Easingwold. The 150 employees will need to come from further afield and will therefore not be walking or cycling to the new store as indicated by the applicant. This hypothesis is completely unfounded and unsustainable. Additional car parking for the employees will be required.
150. Large supermarket chains are becoming far too greedy and should not be allowed to impinge on every aspect of our local community.

151. The one thing Easingwold would benefit from is a modern petrol station to offer local residents a chance to stay local and shop locally, rather than going to Clifton Moor and then spending more money there. Yet there is no mention of a petrol station, which most stores of this size have as standard. This suggests the site for the supermarket is wholly unsuitable.
152. House prices will fall.
153. Will the new foodstore be able to confirm that they will sell local produce from local suppliers procured at realist prices?
154. Most supermarket income is returned to the supermarket shareholders and not the local economy (as little as 5% trickles down).
155. While the supermarket will bring jobs, jobs lost in local businesses need to be taken into account. The proposal acknowledges a significant loss of business to the Co-op on Long Street - a shop currently employing 50 staff.
156. The new foodstore proposes to employ around 150 people. There is no employment/unemployment assessment for the local area included. Where does the applicant expect these employees to come from?
157. Will residents bordering the development be able to claim against the supermarket for loss of market value of their properties due to the proximity of a major retail premises?
158. Far from creating more jobs, the most likely outcome is that there would be fewer jobs, of less variety, probably lower paid and would be short term for the majority, who would not want, or be able to build a stake in our town.
159. A national supermarket will also be less likely to support local charities unlike our local retailers at the moment
160. The town will become a ghost town, full of pubs creating a drinking culture, anti social behaviour, under age drinking and an increase in crime

Support

161. This new development will create much needed new jobs for local people who at the moment have to travel outside of the town for work.
162. The new shop will provide competition for existing food businesses and this is not a bad thing for the public. More competition will help to keep prices down.
163. At the moment local shops seem to behave as if they have a captive audience and can put up prices whenever they feel like it knowing that the nearest shops are in York.
164. It will also create jobs for construction workers or at least help to keep them in work and provide a necessary stimulus to the local economy.
165. The construction of some new dwellings will also create more opportunities for local residents to purchase property and remain within the area.
166. Where are all the people going to shop that will move into the new developments on York Road, the Persimmon site on Thirsk Road and any other developments that are in the pipeline?
167. Far from taking shoppers out of the town, it would encourage shoppers into the town,

rather than having to take their business to either Thirsk or York. Take Thirsk as a prime example, what a pleasant shopping experience! Plenty of parking for a small fee. There are still plenty of local unique shops to get fresh fruit, cards, etc, then round to Tesco for the rest of the shopping.

168. Easingwold needs this development to offer an alternative to the expensive local shops.
169. Hope that space will also be found for a petrol station.
170. Objectors will predominantly be local businessmen who will face competition for the first time.

5.0 OBSERVATIONS

- 5.1 This planning application covers two distinct elements, namely: the proposed foodstore and the proposed residential development. This section addresses the material considerations for each element separately.

The Proposed Foodstore

PPS4 - Policy Tests

- 5.2 PPS4 sets out national planning policies for economic development. This document states that the Government's overarching objective is to create sustainable economic growth. PPS4 includes a number of 'development management policies' providing specific guidance on the determination of planning applications for economic development.
- 5.3 PPS4 identifies supporting evidence required for applications for 'town centre uses', to include an assessment of impacts (Policy EC16). It requires assessment of a number of impacts including impact on town centre vitality and viability. Policy EC17 requires that planning permission be refused where there is evidence that the proposal is likely to lead to significant adverse impacts.
- 5.4 Policy EC17 of PPS4 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:
 - (a) the applicant has not demonstrated compliance with the requirements the sequential approach (Policy EC15); or
 - (b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and EC16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.5 Where no significant adverse impacts have been identified under policies EC10.2 and EC16.1, planning applications should be determined by taking account of:
 - (a) the positive and negative impacts of the proposal in terms of policies EC10.2 and EC16.1 and any other material considerations; and
 - (b) the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.6 The Applicant has submitted a Retail Impact Assessment in response to the requirements of PPS4. This document has been reviewed by England & Lyle Planning Consultancy under the Council's instructions. In summary England & Lyle's assessment shows that:

- 1) The proposals do not comply with Policy EC15 because the applicants have not fully considered the possible alternative of retail development on part of the EM1 allocation site which is a better-located out-of-centre opportunity. The application site is not sequentially preferable to the EM1 site.
- (2) We consider that there would be adverse impacts on several of the tests in Policy EC16 and there would be a 'significant' adverse trading impact on Easingwold town centre.
- (3) In relation to the factors in Policy EC10 factors we have concerns that the benefits of redevelopment of this brownfield site for retail use are not fully justified. Other uses such as residential may be more suitable in this location. We also believe the employment benefits may be lower than claimed by the applicants and that there may be job displacement because of retail impact.
- (4) If the Council considers that it is necessary to balance the positive and negative aspects of the proposals, we would advise that although there may be some positive benefits there would also be negative impacts in terms of the effect on the vitality and viability of Easingwold town centre, a possible negative effect on prospects for the development of the EM1 allocation site, and conflict with Core Strategy Policy CP14 because of the inappropriate scale of retail development proposed.

5.7 The Applicant has submitted a rebuttal of England & Lyle's report. England & Lyle have provided further clarification of their findings following the Applicant's rebuttal. The following documentation has been circulated to Members of the Planning Committee in advance of the meeting:-

- Marrons' Retail Assessment & Appendices
- England & Lyle's Retail Review of Marrons' Retail Assessment
- Marrons' Rebuttal to England & Lyle's Retail Review
- England & Lyle's Response to Marrons' Rebuttal

5.8 In light of England & Lyle's findings, the proposed foodstore fails the policy tests established within PPS4 and should be refused planning permission accordingly.

External Appearance

5.10 Policy DP32 of the adopted Development Policies DPD requires the design of all developments to be of the highest quality. Attention to the design quality of all development is essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.

5.11 The external appearance of the proposed building is generally acceptable and represents a relatively good standard in terms of external appearance. The use of glazed curtains, exposed timber pilasters and roof trusses and pitched roof sections provide a modern bespoke appearance.

5.12 Notwithstanding the acceptability of the external appearance of the building, concerns have been raised about the scale of the proposed foodstore in relation to nearby residential dwellings.

Protecting Amenity

5.13 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

- 5.14 The Council aim to apply indicative separation distances of 14m from side to rear elevations of buildings and 21m from rear to rear elevations of buildings (of similar height). This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, the standards contained within the document continue to provide a useful “rule of thumb” for assessing the impact of a proposal on residential amenity. Notwithstanding the usefulness of this “rule of thumb” approach, it should not be slavishly adhered to but professional judgement should be used to assess the impact of any development.
- 5.15 As outlined within Paragraph 1.5 of this report, the proposed foodstore is positioned directly adjacent to the northern and western boundaries of the application site, close to established residential areas. The building would be positioned approximately 3m from the boundary with Galtres Drive, 2m from the boundary with George Long Mews and 23m (at its nearest point) from the boundary with Leasmires Avenue.
- 5.16 The present outlook from the rear of Galtres Drive and George Long Mews is not particularly pleasant; however the proposed foodstore will be positioned 15m closer to residential properties within Galtres Drive and will be 18m wider than the existing factory building considerably increasing the immediate dominance of surrounding commercial uses.
- 5.17 The foodstore will be positioned approximately 9.6m from the rear elevation of nos 7 and 8 George Long Mews and will stretch the entire length of their rear garden spaces. The building is reduced to 5m high for a depth of 6.2m but will increase to approximately 9m to the ridge. This will have a detrimental enclosing effect on the outlook from these dwellings.
- 5.18 The foodstore will stand approximately 18m from the rear of nos 37 and 46 Galtres Drive and approximately 10.2m from the rear of 35a Galtres Drive. The occupants will look out onto a building 5m high to the eaves rising to 9m high to the ridge for a width of 58.8m from their rear windows and garden space. The sheer overbearing nature of what is proposed will cause serious harm to living conditions for the occupiers of these properties.
- 5.19 In addition to the proposed building, the Applicant proposes the erection of a 3m high acoustic fence surrounding the service yard to the northwest of the application site. This 3m high fence would be erected directly adjacent to nos 7 to 17 (odds) Leasmires Avenue and nos 44 and 46 Galtres Avenue. This screen fence will add approximately 1m in height to the existing boundary wall to the rear of Leasmires Avenue and Galtres Drive. This will result in an oppressive outlook for existing residents, particular on Leasmires Avenue where rear gardens are only 10m deep.
- 5.20 The dominating and gloomy effect of the building and the acoustic fence is unacceptable in planning terms and carries sufficient weight to justify refusal of the application in its own right.
- 5.21 Policy DP44 states that *‘Development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations.’*
- 5.22 A Noise Impact Assessment, produced by Sharps Redmore Partnership, has been submitted with the application. The Council’s Environmental Health Officer (EHO) has examined this report and the submitted application.
- 5.23 The EHO has concerns over the potential noise impact on local amenity, in particular noise sensitive properties and outside gardens at Galtres Drive and Leasmires Avenue, caused by deliveries. The EHO’s full consideration of this issue is contained at 4.17 to 4.27 of this report. In summary the EHO recommends refusal of the

application on the grounds that insufficient information has been provided to demonstrate that noise generated by the foodstore will be at acceptable levels.

- 5.24 Not enough information has been provided about the existing noise environment of local residents who may be affected or specific information about delivery noise such as peak noise. Further information also needs to be provided in relation to the surveys used by the Applicant's Agent in assessing noise from car parking activity before an assessment can be made looking at peak trading hours.
- 5.25 PPS23 Planning & Pollution Control permits LPA's to take account of the possible polluting impact of lighting in preparing local development documents.
- 5.26 The Council does not have a specific policy on artificial lighting. However, as identified above, DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to...*inter alia*...light pollution.
- 5.27 An Artificial Lighting Survey has not been undertaken by the Applicant; however the final details of artificial lighting and the times of illumination could be controlled by condition in order to ensure that the impact to existing residents is minimised as far as reasonably possible.

Highway Safety & Car Parking

- 5.28 PPG13 states that the transport implications of new development should be understood and traffic generation, parking provision, layout and other measures employed to improve access arrangements. Local authorities are required to apply maximum parking standards to development to promote sustainable transport choices. Walking and cycling is also encouraged.
- 5.29 The application is supported by a Transport Assessment (TA) which assessed the likely impact of development trips onto the existing highway network. The TA concludes that flows on Stillington Road will remain well below its capacity and the priority junction with York Road has sufficient capacity to accommodate the increase in traffic flows. However it is considered that there would be benefits to users of this junction if it was to be converted to a mini-roundabout. The Local Highway Authority (LHA) agrees that conversion of the junction to a mini-roundabout would be beneficial.
- 5.30 The LHA has two concerns regarding the proposal, namely: the proposed location of the new accesses and the parking provision for the foodstore.
- 5.31 The centreline of proposed access is located approximately 34 metres from the centreline of Leasemires Avenue. The advice contained in the LHA's Highway Design Guide recommends a minimum spacing of 60 metres on this type of road. The proximity of the junctions raises a number of issues in terms of highway safety:-
- Potential conflict should a vehicle wishing to turn left into Leasemires Avenue start to indicate prior to the supermarket access and a vehicle exiting the supermarket pulls out on the assumption that the vehicle will turn left into the supermarket.
 - Similar scenario for a vehicle exiting Leasemires Avenue and a vehicle approaching from the east indicating to turn right into the supermarket prior to the Leasemires Avenue junction.
 - Potential conflicts between left turning vehicles from the supermarket and right turning vehicles from Leasemires Avenue.
 - Vehicles waiting to exit the supermarket access obscuring the visibility to the west of vehicles waiting to exit Leasemires Avenue.
 - Vehicles waiting to exit Leasemires Avenue obscuring the visibility to the east of vehicles waiting to exit the supermarket access.

- 5.32 Manual for Streets (MfS) comments on the spacing of junctions and that it can be based on the reduced stopping site distances (SSD) which the document has introduced. The LHA has however undertaken vehicle speed checks at this location which shows the 85th percentile wet weather speeds to be 36 mph eastbound and 34 mph westbound. In MfS this equates to a SSD of 59 metres which is in line with the 60 metres spacing distance the LHA recommends.
- 5.33 The proposed location of the access to the parking court for the residential dwellings is opposite the access to Ingleton Drive. This is likely to result in conflicting vehicle movements at a location where by virtue of the increase in traffic flows the opportunities to exit onto Stillington Road will reduce. It is therefore considered that location of the two junctions will create conditions prejudicial to highway safety.
- 5.34 With regard to parking at the supermarket 130 spaces are proposed for use by customers, including disabled, and staff. The parking standards at Annex D of PPG13 (January 2011) recommend that 166 spaces should be provided, Note 3 requires parking for disabled to be provided in addition to the maximum parking standards. The level of parking proposed falls below this standard. Notwithstanding the contents of paragraph 50.2 of PPG13 the LHA considers that in rural locations such as this proposed developers should provide the maximum level of parking indicated.
- 5.35 The LHA cannot support the application as submitted and has recommended refusal.

Sustainable Construction

- 5.36 Policy DP34 of the Development Policies DPD requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.37 The Applicant has submitted a Sustainability Appraisal which states that energy efficiency will be achieved through building design and that consideration has been given to orientation, lighting systems, heating and cooling systems although no firm proposals have been submitted. Should Members be minded to grant planning permission, it recommended that a suitability worded condition is applied to ensure that a scheme to address sustainable energy issues is submitted and implemented.

The Proposed Residential Development

Location of New Housing

- 5.38 Policy DP8 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*.
- 5.39 The application site is located within the development limits of Easingwold as defined on the Proposals Map of the Allocations DPD.
- 5.40 In addition, the proposed development constitutes reuse of a brownfield site close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable in locational terms.

External Appearance

- 5.41 Generally, the external appearance of the proposed dwellings is considered to be of good design in accordance with the principles of PPS1. The design reflects the

traditional vernacular of Easingwold but meets modern aspirations. The Applicant has responded to public consultation by replacing the original contemporary housetypes with a traditional design.

Protecting Amenity

- 5.42 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties and existing neighbours.

Highway Safety & Car Parking

- 5.43 As identified above, the proposed location of the access to the parking court for the residential dwellings is opposite the access to Ingleton Drive. This is likely to result in conflicting vehicle movements at a location where by virtue of the increase in traffic flows the opportunities to exit onto Stillington Road will reduce. It is therefore considered that location of the two junctions will create conditions prejudicial to highway safety.
- 5.44 The internal car parking layout does not allow for vehicles to turn on-site and exit in a forward motion. The LHA has requested amended plans from the Applicant's Highway Consultant. These are awaited.

Security

- 5.45 The Police Architectural Liaison Officer has expressed concern about the remote car parking arrangements. The parked cars are not overlooked by their owners and they are immediately accessible by just taking a few steps from the highway. With rear fencing being 1.8m high, the cars would not be able to be seen from 'regularly habitable rooms', i.e. ground floor rooms. Provision should be made for 'in-curtilage parking'. The Police ALO recommends that the housing layout is reconfigured to allow in curtilage parking within front gardens.

Affordable Housing

- 5.46 Policy CP9 relates to the provision of affordable housing and seeks the provision of 50% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Easingwold. The scheme does not exceed either threshold and, as a result, there is no absolute requirement to provide affordable housing. Nonetheless the proposed development allows for smaller / less expensive properties and will contribute to the provision of mixed communities.

Public Open Space

- 5.47 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.48 Given that no public open space can be provided on site, the Applicant will be required to make a contribution of £16,539 towards off-site provision.

Generic Issues

Cultural Heritage

- 5.49 PPS5 sets out the Government's national policies on the conservation of the historic environment. It is accompanied by the 'Historic Environment Planning Practice Guide'.

- 5.50 Policy HE6 of PPS5 sets out the requirement for planning applicants to include with their application an assessment of the importance of heritage assets affected by their development.
- 5.51 A PPS5 Heritage Assessment dated October 2011 has been submitted with the application. The Assessment concludes that the proposed development, by virtue of the location of the application site in respect of the Conservation Area and the other heritage assets it contains, will have only a minimal impact on the setting of the Conservation Area as a result of the very limited inter-visibility between the application site and the Conservation Area. These findings are supported by English Heritage's mute response to the application.

Flood Risk & Drainage

- 5.52 PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 5.53 Policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.54 The application site is located within flood zone 1 and over 750m from flood zone 3. Consequently, the risk of flooding is extremely low.
- 5.55 In terms of surface water drainage, the Flood Risk Assessment (FRA) calculates a reduction in impermeable surfacing from 7980 sqm to 7211 sqm, a reduction of approximately 10%. Although the FRA recommends a further reduction via the use of 'SUDS'.
- 5.56 It is proposed to improve foul drainage by relocating the sewer and discharging further along Stillington Road into a new manhole. This will improve the sewer's gradient to 1:295 which has been calculated as being a more appropriate fall for the building's it will serve.

Ecology

- 5.57 PPS9 sets out the national policies for the protection of biodiversity and geological conservation via the planning system. PPS9 underlines the Government's commitment to conserve, enhance and restore the diversity of wildlife and geology and to contribute to rural renewal.
- 5.58 To this end, PPS9 states that where the granting of planning permission would result in significant harm to such interests, LPA's must be satisfied there are no alternative sites and that the development of which would result in less or no harm.
- 5.59 Where this is not possible, LPA's should ensure that, before planning permission is granted, adequate mitigation measures are in place. Where significant harm cannot be prevented, adequately mitigated against or compensated for, PPS9 states that planning permission should be refused.
- 5.60 Policy DP31 of the LDF states that *'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'*.

- 5.61 A Phase 1 Extended Habitat Survey, produced by Delta-Simons, has been submitted with the application. The Survey concludes that that the three mature oak trees on the site are considered to be of high ecological value, all other habitats at the site are considered to be of low ecological value.
- 5.62 The site was seen to support a small number of bird species, including house sparrows which are listed on the Red List of Birds of Conservation Concern, and ideal bird nesting habitat was recorded across the site and included scattered trees, scrub and disused buildings.
- 5.63 A number of buildings were assessed as having low potential to support a bat roost due to external features that were suitable to support occasional crevice dwelling bat species.
- 5.64 It is recommended that:-
- All areas of tree and scrub vegetation should be removed before early March or late July to avoid affecting nesting birds.
 - Internal inspection of the buildings to check for signs of bats. If bats are found it will be necessary to apply for a European Protection Species Licence from Natural England to enable the buildings to be demolished lawfully.
 - Eradicate occasional common ragwort before redevelopment works commence.
 - Enhance biodiversity by planting a hedgerow on the site boundary.
- 5.65 Should Members be minded to grant planning permission, it will be necessary to impose a condition to ensure that the mitigation and biodiversity enhancement works detailed within the Extended Phase 1 Habitat Survey are carried out in full.
- 5.66 In light of the above considerations, the proposed development is considered to comply with PPS9 and Policy DP31.

Trees

- 5.67 Policy DP33 specifies that landscaping of new development must be an integrated part of the overall design which compliments and enhances development and, inter alia, protects key landscape features.
- 5.68 An Arboricultural Implications Assessment, produced by Delta-Simons, has been submitted with the application. The Assessment identifies that tree cover on site is limited with key tree groups restricted to the site's southern boundary, where a number of the larger specimens add character to Stillington Road and screen views into the site from the south.
- 5.69 It is proposed to remove 16 trees in addition to an established hedgerow. It is proposed to retain and undertaken some minor works to trees T4, T12, and T13.
- 5.70 The proposed removal of T7 (Cherry) and T14 (Oak) is concerning. The Assessment identifies T7 and T14 as representing "design conflicts". No other reason for their removal is given.
- 5.71 T7 is a healthy middle-aged Cherry with a height of 9m and stem diameter of 0.7m. T14 is a healthy middle-aged Oak with a height of 15m and stem diameter of 2.5m. Both trees make a significant contribution to the streetscene and their removal would be detrimental to the visual amenity of the locality. The removal of T14 (Oak) is required to allow for the proposed access which has been identified by the Local Highway Authority as being unsuitable. It is recommended that a Tree Preservation Order is replaced on these trees and this planning application be refused accordingly.

- 5.72 Should Members being minded to approve the application, an Arboricultural Methods Statement (AMM) providing details of tree protective fencing and supervision, by a suitably qualified arboriculturalist, of any demolition works and subsequent control of development operations should be secured by condition.

Conclusion

- 5.73 Following a detailed consideration of the application and all consultation responses, it is considered that the proposed foodstore will have a detrimental impact on the vitality and viability of Easingwold town centre and surrounding village shops.
- 5.74 The proposed foodstore will have a detrimental impact of residential amenity and highway safety and fails to protect key landscape features.
- 5.75 The proposed residential development will result in conditions prejudicial to highway safety, fails to minimise opportunities for crime and fails to contribute towards reducing quantitative and qualitative deficiencies in public open space provision.

7.0 RECOMMENDATION

REFUSED for the following reasons:

Retail

- (1) The proposed foodstore would have an adverse impact on the vitality and viability of Easingwold Town Centre and surrounding village shops, including local consumer choice, contrary to Policy EC16 of Planning Policy Statement 4 and Policy CP14 of the Core Strategy.

Residential Amenity

- (2) The proposed foodstore and its associated infrastructure will cause serious harm to the living conditions of the occupiers of residential properties within Galtres Drive, George Long Mews and Leasmires Avenue by virtue of its overbearing nature and enclosing effect contrary to policies CP1, DP1 and DP44 of the Hambleton Local Development Framework. In addition, insufficient information has been submitted to demonstrate that noise and disturbance generated by the foodstore and associated car park will not have a detrimental impact on the amenity of nearby residents.

Access Arrangements

- (3) The proposed accesses to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions contrary to policies CP17 and DP32 and guidance contained within Manual for Streets.

Foodstore Car Park

- (4) In the absence of adequate on-site parking space the proposed foodstore would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety contrary to policies CP2, CP17, DP3 and DP32 and guidance contained within PPG13.

Loss of trees

- (5) The proposed removal of T7 (Cherry) and T14 (Oak), as shown within the Arboricultural Implications Assessment produced by Delta-Simons, would have a detrimental impact on the visual amenity of the streetscene contrary to Policy DP33 which seeks to protect and enhance key landscape features.

Residential Parking - Security Concern

- (6) The proposed residential parking area is secluded with limited natural surveillance and therefore fails to minimise opportunities for crime contrary to policies CP17 and DP32

Public Open Space

- (7) The proposed development fails to deliver any open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.