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Authority: Richmond District Council

Type of consultation: Planning Application

Full details of application/consultation: 20/00153/FUL- Full Planning Permission for Erection of up to 40 bed Hotel (Class C1), including Ground Floor Licensed Restaurant / Bar and Outdoor Terrace, a Country Store (Class A1) and Playbarn (Class D2), Associated Car Parking, Landscaping and Access

At land at: The South of Harmby Road Leyburn North Yorkshire

Type of response: Objection

Date of Submission: 7th April 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
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Comment

CPRE North Yorkshire (CPRENY) welcomes the opportunity to comment on this application for the erection of a 40-bed hotel and adjacent country store which incorporates a play barn. The application also includes car parking, access and landscaping works.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework (NPPF) (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- The Richmondshire Local Plan 2012-28 Core Strategy (2014); and
- Saved Policy 23 of the Richmondshire Local Plan 1999-2006.

Richmondshire District Council (RDC) have recently commenced a review of the Local Plan in order to update policies for new development. The Issues and Options Consultation was undertaken in 2018 and CPRENY commented at that time. The Preferred Options Consultation is due for consultation in early 2020, however, with the current situation regarding COVID-19, it is likely to be delayed. Due to the early stage of plan preparation, weight cannot be given to any themes or emerging policies in a new Local Plan at this time. Therefore, CPRENY believe that the proposals should be determined against the provisions of the saved local plan.

It is understood that the applicant sought pre-application advice prior to the submission of the application.

The proposed site has an area of 1.99Ha and comprises an area of undeveloped land to the south of Harmby Road, to the east of Leyburn. The site is, therefore, a greenfield site and currently has a Public Right of Way (PRoW) running across it from north-west to south-east, with a second PRoW adjacent to the eastern site boundary.

The 40-bed hotel includes a licensed bar, restaurant, outdoor terrace and children's play area. It is proposed to be a 2-storey building on the eastern side of the site. The car park associated with the hotel would comprise of 88 spaces including 5 disabled spaces.

The country store includes an external garden centre sales area. Contained within the south east corner of the main retail store is the play barn including a servery and a seating area. The store is intended to be utilised by Sam Turner and Sons Ltd (one of the applicants) and would replace the small unit they have on the Leyburn Business Park. The size of this element of the proposal is 2,736m². The proposed car park for this element of the application would provide 118 parking spaces.

The plans propose two separate points of vehicular access which would serve the hotel and country store respectively. Both points are taken from Harmby Road to the north of the site. The applicant has also provided cycle parking facilities and a pedestrian route is proposed along the front of the Country Store with a zebra crossing to Harmby Road to the pavement on the north side of the site to access Leyburn directly. The applicants propose to divert the PRoW in order to fit all elements on to the site.

The applicant has also included a landscaping plant, providing planting along the southern boundary of the hotel with landscaping buffer and planting to the western and eastern boundaries.

The site is located out with the development limits of the village as shown on the Policies Map which has been retained by Saved Policy 23 of the Richmondshire Local Plan (adopted 1999). The textual justification for development limits sets out that development limits enable the District Council to prevent indiscriminate outward growth, which may impact detrimentally on the landscape setting of a settlement. Core Strategy Policy CP4 modifies the saved policy and enables the assessment of development proposals both within and adjacent to the areas defined in Policy 23.

The Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) (June 2019) published as part of the evidence base for the new Local Plan discounts the site for residential development and is considered up to date. It recognises the application site is adjacent to the existing development limits of Leyburn and would be suitable for potential economic/tourism or leisure related uses, subject to suitable access and any potential impact on the settlement gap between Leyburn and Harmby.

The Applicant's Planning Statement sets out how the proposal would effectively 'round off the settlement' being located opposite the Tennants Auctioneers and Garden Rooms and the Leyburn Business Park.

The recently produced SHELAA discounts the site as a potential allocation to put forward in the emerging Local Plan at the present time, even when having considered the potential for 'economic' development of the site. The Council, therefore, must consider that there are more suitable alternative sites for future development than this site. CPRENY therefore, consider that the proposed site is not in conformity with the adopted planning policy and should thus be refused.

Furthermore, Spatial Principle SP2 identifies Leyburn as a Local Service Centre which should serve the needs of its surrounding area. The Lower Wensleydale Spatial Strategy provides support to maintain the vitality and viability of Leyburn town centre via the encouragement of appropriate retail, business and tourism uses and development associated with the evening economy. As the site is not located within the town centre, this policy does not provide support for the proposals.

CPRENY also have highways and access concerns. The site is bounded by several mature trees covered by Tree Preservation Orders along Harmby Road. CPRENY is concerned that safe and suitable access to the site is not ensured without the removal of these protected trees at access points. The visibility splays put forward by the applicant for the proposed access to Harmby Road are not considered adequate due to the positioning of these existing trees.

The applicant has not provided a swept-path analysis showing the ability of HGVs or OGVs to access and egress the proposed vehicular access points from Harmby Road safely without endangering oncoming traffic

or having to cross onto opposite sides of the road. It is assumed that such large vehicles will be required to visit the site, during construction of all elements of the proposals but also during the operation of the Country Store when bringing products to the store for display and sale.

CPRENY therefore consider that the applicant has not provided sufficient information to allay concerns relating to highway safety implications and as such the proposals should be refused in line with paragraph 109 of the NPPF.

Conclusion

In summary, CPRENY do not believe that the proposed development is appropriate at this location, adjacent to the settlement boundary of Leyburn. The proposals are not in conformity with the adopted planning policies which constitute the Development Plan for RDC. Furthermore, the applicant has not provided enough information to prove that there will not be a detrimental impact on the surrounding area as a result of traffic associated with the proposals or that safe and suitable access to the site can be achieved.

CPRENY reserve the right to comment further should additional information be submitted in support of this application.

Given the high number of tourists who visit Leyburn and the surrounding areas on route to the National Park, CPRENY are concerned that the traffic assessments submitted by the applicant have not considered the seasonal fluctuations in traffic particularly along the A684 route into Leyburn. The proposed use for the site and large number of spaces provided will potentially increase the traffic at this part of the settlement during those peak times exacerbating issues of congestion felt by members in this area.