

PLANNING STATEMENT

LAND NORTH OF HUTTON BANK (FORMER CALVERTS
CARPETS), RIPON, HG4 5DT

OUTLINE PLANNING APPLICATION FOR ERECTION OF 43
DWELLINGS (DETAILS OF ACCESS AND LAYOUT SUBMITTED)

Prepared by Jay Everett BSC Hons MRTPI Director,
Addison Planning Consultants Ltd on behalf of
PRIMETALENT Ltd

22nd October 2018



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REFERENCE DOCUMENTS
N/A

QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Jay Everett and I have been a Chartered Member of the Royal Town Planning Institute since 1993. I hold a degree in Town and Regional Planning and I am Managing Director of Addison Planning Consultants Ltd.
- 1.2 I have 27 years of experience of working in the field of town planning, including 12 years in local government working in both planning policy and development control and 15 years acting for land owners, developers, occupiers and investors throughout the North of England. My involvement in the property market involves the preparation of complex planning applications, strategic promotion of land and property through the local planning policy system and acting as expert witness at planning appeals.
- 1.3 My Statement deals with the planning policy context relating to the site and specifically the history of the application site, why the proposed residential scheme has been developed and the planning policy context for the proposals. I then consider the planning case for the scheme.
- 1.4 **Chapters 2 to 4** introduce the proposal. Chapter 3 describes the site and its environs, and the planning history. Chapter 4 examines the planning policy context for the consideration of the appeal proposals.
- 1.5 **Chapter 5** of my Statement examines the planning case for the proposed scheme.
- 1.6 **Chapter 6** summarises the principal conclusions from Chapters 5.

INTRODUCTION & BACKGROUND INFORMATION

- 2.1 This Statement has been prepared on behalf of PrimeTalent Ltd, owners of the site formerly occupied as Calvert Carpets Ltd and situated on land north of Hutton Bank, Ripon.
- 2.2 The site is 'previously developed land' comprising a range of now vacant former commercial buildings which are at the end of their useful lifespan. The site needs regeneration and the landowners are therefore exploring its development potential and opportunities to deliver a viable re-development proposal.
- 2.3 The proposal is to demolish all structures on the site and develop a residential scheme of 43 dwellings comprising a mix of house types and sizes. Access would be taken from Hutton Bank.
- 2.4 The following section of this Statement sets out a description of the site and its surroundings and its Planning History.

SITE DESCRIPTION AND PLANNING HISTORY

- 3.1 The application site is located approximately 0.8 kms to the north east of Ripon City Centre, prominently located just off the Ripon bypass (A61). The site is accessed off Hutton Bank which is itself accessed directly off the Sharrow Lane roundabout, the A61.
- 3.2 The site forms an irregular shaped plot of land, approximately 140m long and 100m wide. The land rises steadily in elevation from south west (c.27m AOD) to north east (c.29m AOD).
- 3.3 Several unoccupied buildings are present on site, at large former railway goods shed in the northeast, a 'Nissen hut' in the centre, along with former commercial buildings in west of the site.
- 3.4 Bounding the south western corner of the site which consists of rough grassland is a brick faced retaining wall. This wall is circa 2.5m high and surrounds the site from the west along Station Road though to the site entrance. Occasional mature trees are present around the perimeter.
- 3.5 The boundaries consist of a mix of steel and wood palisade fencing and retaining walls. An electricity substation is present in the south western corner of the site.

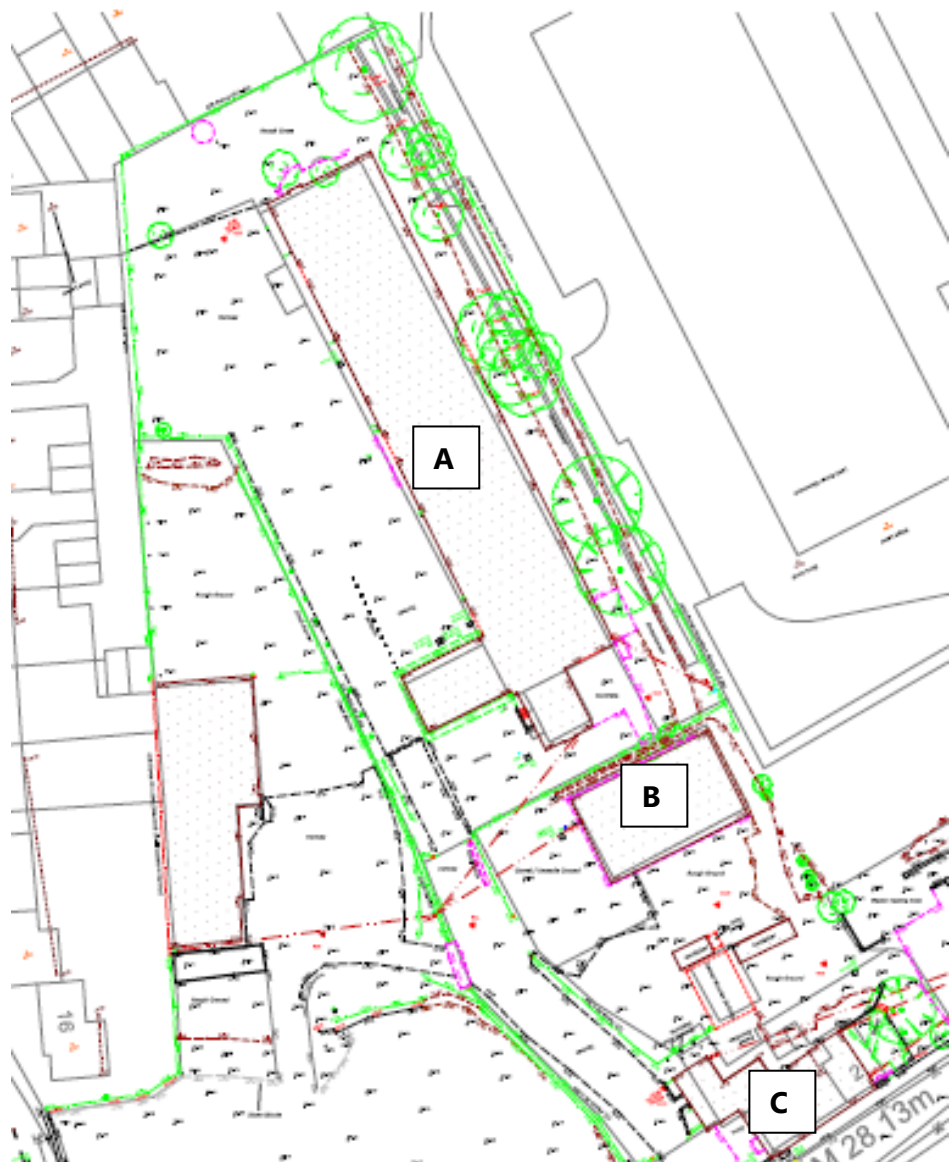


- 3.6 The application site extends to some 1.49 hectares and has previously been used for a range of commercial/industrial uses and currently provides several standalone premises in various forms and condition, all now vacant.
- 3.7 The buildings on the site comprise:
- 3.8 Building A: Warehouse and ancillary office – 1053 sq. m of floorspace. Last occupied by Power Plastics Ltd and vacated in January 2018. Vacated as Lease had expired. The occupiers had experienced significant neighbour complaints arising from their operations which had resulted in

SITE DESCRIPTION AND PLANNING HISTORY

enforcement action by HBC. This in turn restricted the operations of the business. The tenants therefore moved to alternative new/custom premises in Thirsk on expiry of their lease.

- 3.9 Building B: A former 'Nissan Hut' building of approximately 241 sq. m of floor space. Last occupied by a company called '4 Legged Friends' who vacated in June 2013.
- 3.10 Building C: Former offices/workshop (originally a dwelling) last occupied by Millennium Windows who vacated in August 2013 having gained better quality premises at the nearby Ure Bank Maltings site.



- 3.11 The extant use of the site is for general industrial use, storage and warehousing.

SITE DESCRIPTION AND PLANNING HISTORY

THE SURROUNDING AREA

- 3.12 The surrounding area is mixed-use in nature including Lloyds Land Rover dealership located along the north-eastern boundary of the site. The northern and western boundaries have existing residential properties adjacent.
- 3.13 Hutton Bank defines the southern boundary and provides the access to the site. Beyond Hutton Bank to the south is an established tree belt/amenity land which effectively screens the A61 beyond.
- 3.14 The aerial photograph below shows the site in context with the surrounding area.



PLANNING HISTORY

SITE DESCRIPTION AND PLANNING HISTORY

- 3.15 The following Planning History has been derived from the Council's Public Access database – a full Land Search has not been undertaken and there may therefore be other older planning applications relating to the site.
- 3.16 6.31.962.H.PA – Proposed development of industrial estate granted June 1989 subject to conditions. This permission is relevant in so far Harrogate Brough Council considered it to be an extant permission with enforceable planning conditions in May 2017. This issue is explored further under Section 5 of this Report.
- 3.17 97/00959/FUL: Erection of 3 no. dwellings with garages and associated visitor parking: application permitted. These dwellings have been completed and form part of the western boundary of the site off Station Road.
- 3.18 99/02827/OUT: Outline application for the erection of buildings for non-food retail use and formation of car parking: application withdrawn.
- 3.19 16/00832/COU: Retention of existing hand car wash: application permitted.
- 3.20 17/05273/OUTMAJ: Outline application with all matters reserved for the construction of a new petrol filling station comprising demolition of existing buildings including new forecourt building with ancillary convenience store and ATM, 6 petrol pump islands and associated canopy and new A1/A3 drive thru unit.
- 3.21 This Application was submitted by Euro Garages Ltd in November 2017 and at the time of writing remains as a 'live application' pending a decision. The Application was presented to Planning Committee on the 12th June 2018 who resolved to Defer consideration of the Application pending receipt of a satisfactory report on gypsum conditions at the site and to allow the addition of additional highway conditions following the receipt of further comments from the Local Highway Authority. The Applicants have not submitted any further information to HBC and Planning Permission has not been issued.
- 3.22 The Applicant's in that case (for the Petrol Station) are not owners of the site and the Application has been made on a speculative basis by Euro Garages Ltd who do not have a contractual position with the landowner to purchase the site.

PLANNING POLICY CONTEXT

- 4.1 The following paragraphs set out a description of relevant adopted development plan and saved Local Plan Policies.

THE DEVELOPMENT PLAN

- 4.2 The Development Plan comprises the Core Strategy DPD (adopted in 2009 before the publication of the NPPF) and the saved policies of the Local Plan, which was adopted in 2001 (with a selective alteration adopted in 2004). The Core Strategy is the central document of the LDF and sets out the strategic planning policies for the Borough for the Plan Period up to 2021.
- 4.3 The Local Plan policies provide the detailed policies against which planning applications are assessed and have been saved until the new Local Plan is adopted.

HARROGATE CORE STRATEGY 1999

- 4.4 Policies of relevance to the consideration of this proposal include:
- Policy SG2 Settlement Growth: Hierarchy and limits
 - Policy SG4 Settlement Growth: Design and Impact
 - Policy JB3 Land for Jobs and Businesses
 - Policy EQ1 Reducing risks to the environment
 - Policy EQ2 The natural and built environment and green belt
 - Policy TRA1 Accessibility
- 4.5 Of these it is considered the main policies to consider in this case are:
- 4.6 POLICY SG4 requires that all development proposals in the District should comply with the following criteria. The scale, density, layout and design should make the most efficient use of land; and
- a) be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;
 - b) be appropriate to the form and character of the settlement and/or landscape character. Visual, residential and general amenity should be protected and where possible enhanced. Inter alia this policy also seeks to ensure development proposals comply with Core Strategy Policies, EQ1, EQ2, TRA1, TRA2 and TRA3.
- 4.7 POLICY JB3 seeks to maintain and enhance a good range and mix of employment sites; by the protection and improvement of best and good

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quality sites for employment use; and by maintaining an appropriate mix of sites and premises to ensure adequate provision for small and medium sized enterprises.

- 4.8 POLICY EQ1 seeks to ensure that in partnership with the community, the development industry and other organisations, the level of energy and water consumption, waste production and car use within the District, and the consequential risks for climate change and environmental damage will be reduced.
- 4.9 POLICY EQ2 states that the District's exceptionally high-quality natural and built environment will be given a level of protection appropriate to its international, national and local importance. Subject to the District's need to plan for new greenfield development, the landscape character of the whole District will be protected and where appropriate enhanced. One of the priority measures to protect and enhance the District's natural and built environment is to ensure that new development incorporates high quality locally distinctive design. This policy also includes reference to the designated Green Belt.

SAVED HARROGATE DISTRICT LOCAL PLAN POLICIES

- 4.10 The Proposals Map from the 2001 Local Plan shows the site within the Development Limits for Ripon.



PLANNING POLICY CONTEXT

- 4.11 The purple shaded Allocation to the south east annotated with 'EG4' denotes a Proposed Employment site. The S8b denotation is a proposed Allocation as Retail Warehousing.
- 4.12 Saved policies of relevance to the consideration of this proposal include:
- Policy A7 Unstable Land
 - Policy C9 Special Landscape Areas Proposal
 - E4 New Industrial/Business Allocations
 - Policy C2 Landscape Character
 - Policy HD11 Townscape and Environmental Improvement
 - Policy HD13 Trees and Woodlands
 - Policy HD20 Design of New Development and Redevelopment
 - Policy H5: Affordable Housing
 - Policy E2: Retention of Industrial/Business Land and Premises
- 4.13 Of these it is considered the main policies to consider in this case are:
- 4.14 POLICY HD20 of the Local Plan states new buildings should respect the character of their surroundings and in important locations should make a particularly strong contribution to the visual quality of the area. New building should make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout. New building should respect the local distinctiveness of existing buildings, settlements and their landscape setting. New development should also respect the privacy and amenity of nearby residents and occupiers of adjacent buildings. Development which is contrary to these design principles will not be permitted.
- 4.15 Policy E2: seeks to prevent the loss of sites/premises in industrial use to non-industrial uses.

EMERGING LOCAL PLAN AND EVIDENCE BASE

- 4.16 The Council is in the process of writing a new Local Development Plan for the District which will replace the saved policies from the Core Strategy and Local Plan.
- 4.17 Of note is emerging draft Policy HS2: Affordable Housing which states:
- "The council will require 40% affordable housing on all qualifying greenfield developments including mixed use schemes and 30% on all qualifying brownfield developments including mixed use schemes and conversions,*

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subject to viability and the demonstration of the need for affordable housing...”

- 4.18 Consultation on the Publication Draft Local Plan was undertaken in March 2018. The Plan has been submitted to the Secretary of State for Examination although Examination Hearing dates have yet to be confirmed. The Plan is still at an early stage in the preparation process and cannot be afforded any significant weight in the consideration of this proposal.

EVIDENCE BASE UNDERPINNING THE EMERGING LOCAL PLAN

- 4.19 This emerging draft Planning Policy has been informed by an ‘evidence base’ which includes a Housing and Economic Development Needs Assessment dated May 2018. This contains a specific assessment of the Application site in terms of its suitability as a potential Employment Allocation in the new Local Plan (see assessment of this site at p152) which concludes:

“13.19 The site is accessible via Hutton Bank Road, and current infrastructure on site is of a poor condition. The quality of the office/warehouse units is also considered to be poor.

*Conclusion: Neither site is considered to be commercially attractive, either in quality or in location. **It is recommended that neither site is protected for employment use and recommend a flexible approach to development at the sites should be taken and alternative uses considered (my emphasis).**”*

- 4.20 The Council’s up to date evidence base for its emerging Local Plan clearly indicates the Council does not consider this site suitable for continued employment use and that it will apply flexibility regarding potential alternative land uses such as residential.

SUPPLEMENTARY PLANNING DOCUMENTS

- 4.21 The Council has the following Supplementary Planning Document of relevance to the Application proposals.
- Harrogate District Green Infrastructure SPD (November 2014)
 - Provision of Open Space in Connection with New Housing Development SPD - June 2006 (revised September 2015)
 - Provision for Village Halls in Connection with New Housing Development SPD - June 2006 (revised September 2015)
 - Planning Guidance: Negotiating Affordable Housing Contributions – November 2015

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- Harrogate Borough Council: Guidance Note on Changes to Affordable Housing and Planning Obligations (August 2016)
- 4.22 The following chapter of my Statement therefore examines the case for planning within this Development Plan and planning policy context which includes the NPPF and NPPG, and the evidence base that has been completed to inform the emerging Local Plan

ASSESSMENT OF PLANNING CASE

5.1 The proposal is to demolish the existing buildings which were last used for industrial purposes and redevelop the site for 43 dwellings. A site layout plan is included with the submissions.

5.2 This proposal raises two in principle issues:

1. Is there a need for housing and is the site suitable for housing development?

2. Whether the proposals would cause any significant planning harm that clearly outweighs the benefits to be gained by delivering new housing?

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

5.3 The application site is located within the settlement development limits for Ripon (as identified in the 2001 Local Plan) and, in planning terms, is previously developed land located in a highly sustainable location near a wide range of services and homes.

5.4 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing against their requirement, as well as an appropriate buffer.

5.5 In a recent (June 2018) Appeal case to the south-west side of Ripon (HBC vs Whitcliffe Grange Farm Partnership & Gladman Developments Ltd, Land South West of West Lane, Ripon - Application Ref: 16/05621/EIAMAJ) the Secretary of State concludes:

*"12. Having regard to the fact (IR3.5) that it is common ground between the appellant and the Council that the development plan does not contain a Framework-compliant figure for objectively assessed housing needs and the fact that he agrees with the Inspector and the parties that there is a **4.2 years housing land supply**, the Secretary of State concludes that the delivery of both market and affordable housing carries significant weight in favour of the proposal."*

ASSESSMENT OF PLANNING CASE

- 5.6 Recent evidence therefore suggests that there is shortfall of available housing land in Harrogate District to meet the 5-year housing land supply. The pre-application advice from HBC however indicated that the most recent evidence base for the Local Plan shows a current 5-year land supply position of 5.02 years. The same advice acknowledges that this is marginal at best and concludes:

"In terms of housing land supply, the Council can only demonstrate a 5.02-year supply of housing and this is not sufficiently above the 5-year supply that paragraph 11 of the NPPF can be ignored. Given this position and the location of the site to Ripon as a service settlement, the introduction of some housing on site would be supported in my officer opinion."

- 5.7 In this case regard should also be given to the fact the proposal is for the regeneration of a derelict site within the urban area of Ripon. Importantly, the Council's stated 5-year land supply position (of 5.02-years) is calculated on the basis that windfall-sites will deliver a significant element of that supply. In this regard, the Council published a Windfall Allowance Paper (January 2016) which clarifies that:

*"Windfall site is one that has not been specifically identified as available in the Local Plan process. They normally comprise **previously developed sites that have unexpectedly become available** (2) and could not have been anticipated when the Local Plan was in preparation. Windfall sites can comprise the development of infill sites, conversion of existing buildings to residential use, the net gain in units from the sub-division of existing residential units **or the bringing back into use empty or derelict buildings or sites**. Occasionally, unused 'greenfield' land is developed for housing and this is also classed as a windfall if not allocated."*

- 5.8 The Application site must clearly be regarded as a potential windfall site applying this definition. This paper concludes at paragraph 8.2 that

"An appropriate figure to take forward as a windfall allowance is considered to be 97 dpa."

ASSESSMENT OF PLANNING CASE

- 5.9 The Council's calculated 5-year land supply therefore includes a specific allowance for windfall sites coming forward on previously developed land within existing settlements and sustainable locations. This is confirmed in the Council's annual monitoring report dated December 2015. With an annual housing requirement of 557 homes per year the Council is therefore expecting over 17% (97 dwellings per year) of that requirement to be met from windfall sites on an annual basis. In other words, sites such as the one subject of this Application form an **essential component** of the Council's anticipated current 5-year supply of housing land.
- 5.10 The development of this previously developed site for housing in a highly sustainable location must therefore be afforded **significant material weight in favour** of the proposal as it will deliver much needed housing. Indeed, the Council is banking on sites such as this being delivered as an **essential component** of its current calculated supply of housing for the immediate 5-year period.
- 5.11 As such, the principle of residential development of this site is clearly acceptable unless there is any planning harm being caused that clearly outweighs the benefits to be gained by delivering new housing.
- 5.12 I undertake an assessment below of this issue by examining first the adopted development plan policies and then the policies of the NPPF.

ADOPTED DEVELOPMENT PLAN POLICIES

- 5.13 The Adopted Development Plan policies of primary relevance to this proposal to develop 43 new dwellings are saved Local Plan policies HD20, H5 and E2; and Core Strategy policies SG1, SG2, SG4 and EQ1. All of these are examined below:
- 5.14 **Policy HD20** of the Local Plan (2001) states:

"Proposals for new development and redevelopment should take into account, where relevant, the following design principles:

A) New buildings should make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout.

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B) New buildings should respect the local distinctiveness of existing buildings, settlements and their landscape setting.

C) New buildings should respect the scale, proportions and height of neighbouring properties.

D) New building design should respect, but not necessarily mimic, the character of their surroundings and, in important locations, should make a particularly strong contribution to the visual quality of the area.

E) Fenestration should be well-proportioned, well-balanced within the elevation and sympathetic to adjoining buildings.

F) The use and application of building materials should respect materials of neighbouring buildings and the local area.

G) New development should be designed with suitable landscaping as an integral part of the scheme.

H) Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access.

I) new development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.

J) New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction.

K) New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.

Development which is contrary to these design principles will not be permitted."

- 5.15 Policy HD20 sets out design principles as a basis of assessing submitted development proposals. The proposed layout scheme has evolved considering the context of the existing built environment and key relationships to existing residential occupiers and the existing commercial use at Ripon Land Rover Houses are orientated to ensure there would be no impact on residential amenity of adjacent occupiers.
- 5.16 **Policy H5** of the 2004 Selective Alteration version of the Local Plan: This Policy relates to Affordable Housing requirements and states that affordable housing will be sought on sites providing 15 or more dwellings or above 0.5ha in size. In this case, the proposed development site falls within these thresholds and an affordable

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housing contribution is therefore required by the saved Development Plan policy.

- 5.17 The current adopted Policy requires up to 40% of the number of houses proposed to be affordable dwellings. 40% of the proposed total of 43 dwellings equals 17 affordable dwellings. These 17 affordable dwellings are indicatively indicated on the submitted layout drawing with the Application:

H3b - Dwg 3081-0-001C Proposed Site Layout Plan Colour and Affordables

- 5.18 National policy provides an incentive for brownfield development on sites containing vacant buildings. The Planning Practice Guidelines state that where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. The Governments policy is that Affordable housing contributions should only be required for any increase in floorspace. The relevant extract from the PPG is set out below:

"Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

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Paragraph: 022 Reference ID: 23b-022-20160519"

- 5.19 The PPG indicates that this policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In line with the above policy guidance a Vacant Building Credit calculation is set out below:

- 5.20 The proposal is to re-develop this previously developed site to construct 43 dwellings with an indicative total gross floorspace of 3810 sq. m (41016 sq. ft).

- 5.21 In this case, the site comprises vacant buildings in the order of some 1377 square metres of floorspace. This area is taken from the April 2017 Rating Valuation for the property for Building A and estimates for Buildings B and C. The existing vacant buildings are therefore the equivalent of 36% of the total floorspace proposed.

- 5.22 Applying the PPG methodology, the existing gross floorspace is applied as a credit against the proposed requirement for Affordable Housing.

- 5.23 The following Vacant Building Credit is calculated on the hypothetical basis of the Council's emerging Draft Policy HS2 – which sets out a requirement for 30% Affordable Housing on ***previously developed sites***.

- 5.24 The Council's policy would therefore require 30% of 43 dwellings to be allocated as Affordable Dwellings = 13 affordable dwellings. Applying the available VBC of 36% reduces the affordable housing requirement in this case to **8 Affordable Dwellings**, subject to consideration of Viability.

- 5.25 **Policy E2:** The existing premises on the site were last used for commercial purposes (storage and distribution), albeit that use ceased some time ago. Given that the extant use of the existing premises is commercial/general industrial, Policy E2 should be considered.

- 5.26 Policy E2 of the Local Plan (2001) states:

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"The Loss Of Industrial/ Business Land And Premises To Other Uses Will Not Be Permitted Unless:

*A) The Continued Use Of The Site For Industrial/ Business Purposes Would Cause Unacceptable Planning Problems; Or
B) The Site Is Allocated For Another Purpose In This Plan; Or
C) The Site Is In A Town Centre And The Proposed Use Or Mixture Of Uses Would Add To The Centre's Vitality And Viability Without Harming The Supply Of Employment Land and/or Premises."*

5.27 Policy E2 is extremely dated and derived from an evidence base from the 1990's. It is also a policy that is significantly more restrictive than the more up to date policy approach set out in the NPPF. For example, Policy E2 presents a categorical proposition that the loss of any industrial premises to alternative uses will be refused permission unless any of three specific criteria are met. I examine the NPPF approach in more detail below, but in summary, the NPPF takes a 'softer approach' and presents a presumption that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

5.28 In my view, due to its age and the fact it clearly conflicts with NPPF policy, it cannot now be afforded any significant material weight in the determination of this proposal.

5.29 **Policy JB3** of the Core Strategy (2009) was effectively designed to update the approach of Policy E2 of the older Local Plan by focusing the protection of employment land on the best sites. It states:

"From 2005-2021, a good range and mix of employment sites will be maintained and enhanced, and provision made for some 45 hectares of land for employment land. This will be achieved through:*

a) The development of land already committed for employment use in the following employment sub-areas:

Boroughbridge 0.86ha

Harrogate Town 4.36ha

Knaresborough 8.95ha

Ripon 15.3ha

Rural East 5.02ha

Rural West 2.36ha ;

b) The provision of new employment land in the following locations:

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Harrogate Town/Knaresborough 5ha

Boroughbridge 3ha ;

c) The protection and improvement of best and good quality sites for employment use;

d) Maintaining an appropriate mix of sites and premises to ensure adequate provision for small and medium sized enterprises.

** For the purposes of this policy, employment land is defined as land for industrial/business development and covers use classes B1a (offices), B1b (research & development), B1c (light industry), B2 (general industry) and B8 (storage & distribution)."*

- 5.30 Criterion (c) provides for the protection of the best and good quality sites; that is, it provides the policy basis to prevent changes of use of existing sites within the B1, B2 and B8 land use categories to any other uses for those sites classified as the **Best and Good Quality sites**.

- 5.31 The supporting justification to this Policy states at paragraph 5.23 that:

"5.23 The approach to employment land protection will be based on the employment hierarchy as set out in the ELR. The ELR classified sites according to their importance and function in the employment hierarchy. The following categories were identified:

Best Urban - Good quality sites suitable for local or incoming clients with a national/ regional choice of locations

Good Urban - Good quality sites mainly suitable for locally based clients

Other Urban - Sites which (could) perform a role for local clients

Other Local - Moderate to poor quality site which may have potential for release to other forms of development subject to monitoring

5.24 Best Urban and Good Urban sites represent the District's key employment sites and gradual erosion through encroachment of alternative uses will be resisted."

- 5.32 **NB.** The Application site is not identified in the Council's Employment Land Review published in 2006, or in the Council's Review of Best and Good Employment Sites 2011 as a **Best or Good Site**; and the proposals do not therefore conflict with this Policy.

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- 5.33 It is of note that the 2006 Employment Land Review did consider the site at that time and concluded:

"Redevelopment of this site would enhance its contribution to townscape / local environmental quality. It is currently vacant and includes a number of brick-built and other buildings which are in a poor condition. Allied with other site constraints such as site shape and topography, it scores poorly against market attractiveness considerations. An element of non-employment uses will likely be required to actively bring forward the site."

- 5.34 The Council therefore acknowledged **twelve years ago** that the site was not a commercially attractive site for new employment uses and that there would be significant viability considerations to facilitate even an element of new employment uses.

- 5.35 Notwithstanding the above policy assessment, the Council's pre-application advice letter states:

"The existing land use of the site is however for employment and the total loss of an employment opportunity site for residential raises concerns, from my economic development colleagues in particular. Any planning application would need to justify the loss of the employment use and demonstrate why the site cannot support an employment generating use. This justification should include a marketing exercise that tests the market for employment purposes. Alternatively, bringing forward a mixed-use scheme which retains part of the site for employment opportunities should be considered by the applicants."

- 5.36 In this context the Council's up to date evidence for the emerging Local Plan is of relevance. This includes a Housing and Economic Development Needs Assessment dated May 2018. This contains a specific assessment of the Application site in terms of its suitability as a potential Employment Allocation in the new Local Plan (see assessment of this site at p152) which concludes:

"13.19 The site is accessible via Hutton Bank Road, and current infrastructure on site is of a poor condition. The quality of the office/warehouse units is also considered to be poor."

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*Conclusion: Neither site is considered to be commercially attractive, either in quality or in location. It is recommended that neither site is protected for employment use and **recommend a flexible approach to development at the sites should be taken and alternative uses considered (my emphasis).***

- 5.37 The Council's up to date evidence base for its emerging Local Plan clearly indicates the Council does not consider this site suitable for continued employment use and that it will apply flexibility regarding potential alternative land uses such as residential.
- 5.38 The evidence does not therefore support the Officer's re-application advice that further justification is needed to justify the loss of the employment use and demonstrate why the site cannot support an employment generating use.
- 5.39 Notwithstanding the Policy position (which does not require employment uses to be retained on this site and does not require evidence of marketing) this site is not in reality suitable for continued employment use for the following reasons:
- (a) Re-use of the existing buildings for general employment uses is incompatible with residential amenity and the neighbouring properties. This is evidenced by:
- Significant history of environmental health complaints associated with the former general industrial use of Building A.
 - Historical planning conditions which limit operation use of the site. The Council took the view as recently as 2017 that the conditions associated with Planning Permission 6.31.962.H.PA (from 11989) were still enforceable. These conditions limit the hours of operation, the ability to utilise external storage areas and which also limit noise generating activities
 - The previous occupier of Building A chose not to renew its lease due to the above limitations and restrictions on its operational activities
- (b) Existing buildings are semi-derelict and not suitable for re-use or re-occupation without significant investment evidenced by:
- The Council's own Employment Land Reviews from both 2006 (12 years ago) and 2018

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(c) The re-development of the site including remediation and coupled with limitations on use (in relation to impact on residential amenity) render the site unviable for new employment development.

- 5.40 **Policies SG1 and SG2** of the Core Strategy (2009) deal with housing delivery. These policies set out the strategy for the delivery of housing including the hierarchy of settlements to which new housing will be directed. Ripon itself is of course the focus for new development representing the second tier of the settlement strategy in the District with the widest ranges of services and facilities. Policy SG1 envisages nearly half of all housing growth occurring in Harrogate, 8% in Ripon and **70%** of housing being delivered on **Previously Developed Land**. It states:

"In meeting the requirement, priority will be given to the re-use and re-development of previously-developed land and buildings, principally in the District's largest settlements of Harrogate".

- 5.41 As a PDL site within the settlement limits of Ripon and close to the Town Centre the proposals are supported by the Core Strategy policies SG1 and SG2.

- 5.42 Policy SG4 of the Core Strategy (2009) states:

"All development proposals in the District should comply with the following criteria:

- 1. The scale, density, layout and design should make the most efficient use of land; and*
 - a. be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;*
 - b. be appropriate to the form and character of the settlement and/or landscape character.*
- 2. Visual, residential and general amenity should be protected and where possible enhanced;*
- 3. There should be no loss of greenfield land unless justified by national planning policy, the Regional Spatial Strategy, this Core Strategy or a policy or proposal within the Local Development Framework;*
- 4. The environmental impact and design of development should conform with Policies EQ1 and EQ2 of this Core Strategy.*

ASSESSMENT OF PLANNING CASE

The travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow and should have been fully addressed in accordance with Policies TRA1, TRA2 and TRA3 of this Core Strategy."

- 5.43 Regarding Criteria 1 and 2, a detailed Design and Access Statement has been prepared as part of the Application and illustrates how the development proposals have considered each of the criteria in this Policy. Criterion 3 is not relevant given the proposal relates to PDL.
- 5.44 Policy EQ1 of the Core Strategy (2009): This policy sets out guidance and aspirations to reduce the environmental impacts of development. This can be done through a combination of building design and location. The site is very sustainably located and will encourage walking trips and use of public transport due to the proximity of services and facilities to the development. The proposed residential scheme for the site will aspire to high standards and sustainability objectives.

SUMMARY ON DEVELOPMENT PLAN POLICIES

- 5.45 In summary, my assessment of the local saved and adopted development plan policies of primary relevance in this case shows that the proposals do not conflict with any of those Policies. The Proposal therefore conforms with the policies of the Development Plan.
- 5.46 For completeness, I have also undertaken an assessment of the proposals against the policies of the NPPF as follows:

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 5.47 The NPPF states that there are three dimensions to sustainable development:
Economic;
Social; and
Environmental.
- 5.48 The proposal to develop 43 dwellings on a derelict Previously Developed Site in a highly sustainable location is precisely the type of development that the NPPF says there should be a presumption

ASSESSMENT OF PLANNING CASE

in favour of granting planning permission for. I assess the proposed development against the relevant core principles of the NPPF as follows:

DELIVERING SUSTAINABLE DEVELOPMENT – BUILDING A STRONG, COMPETITIVE ECONOMY

- 5.49 A Core Principle of the NPPF is to proactively drive and support sustainable economic development.
- 5.50 The development will result in a significant level of construction spend. The resulting occupation of the units will also have consequent positive economic benefits on the local economy. The proposal is therefore afforded significant material weight in support of it by the NPPF.
- 5.51 HBC Officer's may be concerned about the potential loss of employment land and the consequential impact on the local economy. In this regard, paragraph 22 of the NPPF states:

*"22. Planning policies should avoid the **long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose**. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

- 5.52 In this regard, the Applicant's case is that the current premises have no reasonable prospect of being re-used for employment purposes in their current condition, and that a redevelopment proposal to secure alternative new employment premises on the same site would not be a viable/deliverable proposition. The Council itself recognises this in its published evidence base from both 2006 and as recently as August 2018.
- 5.53 In summary, the buildings on site are of their time. In their current condition they are unlettable and do not provide any jobs/employment or economic development benefits. Refurbishment and subdivision are not a practical proposition.

ASSESSMENT OF PLANNING CASE

- 5.54 In addition, the economics of demolishing the existing premises and speculatively building new employment units is not viable. The demolition and remediation of the site will involve a significant cost. Coupled with the potential building costs of new industrial units and the anticipated rental yield, the proposition will not return an adequate profit on cost. Evidence to justify this point can be made available to the Council if required.
- 5.55 My conclusion is that the proposal to demolish the existing structures, which was last used for general industrial use but is no longer fit for any commercial purpose, does not conflict with the NPPF.

DELIVERING SUSTAINABLE DEVELOPMENT – PROMOTING SUSTAINABLE TRANSPORT

- 5.56 In relation to this proposal, it is proposed to take access from Hutton Bank in the approximate position of the existing access point. The submitted Transport Assessment shows that this can be achieved without prejudicing highway safety.
- 5.57 In addition, off-site improvements are proposed to the Hutton Bank round-about. These are the same improvements that were considered acceptable by the Highway Authority to facilitate the recent Application for a Petrol Filling Station on the site (a more intensive use than now proposed).

DELIVERING SUSTAINABLE DEVELOPMENT – DELIVERING A WIDE CHOICE OF FAMILY HOMES

- 5.58 The preceding paragraphs assessed the proposals against the housing policies of the Development Plan and concluded that the proposals would conform to those policies. The proposals will deliver 43 new family houses with the following mix proposed:
- one/two bed units (designed to be adaptable to 2 bed affordable units)
 - 17 two-bed family homes
 - 18 three-bedroom family homes
 - four-bedroom family homes,

ASSESSMENT OF PLANNING CASE

- 5.59 The proposals therefore provide a range and choice of housing that complements the housing stock of Ripon/Harrogate and is in keeping with the recommended mix of housing in the Council's up to date Strategic Housing Market Area Assessment.
- 5.60 The proposed development will therefore deliver much needed homes to help deliver much needed new housing within the District and to provide variety within the housing stock. As such, the proposal is supported by the presumption in favour of housing development set out in the NPPF.

DELIVERING SUSTAINABLE DEVELOPMENT – REQUIRING GOOD DESIGN

- 5.61 The principle of high design standards remains a key aspect of sustainable development in the NPPF which places a requirement on planning to require good design as this is a key aspect of sustainable development.
- 5.62 Whilst key aspects of design (the scale, external appearance and landscaping of the site) are Reserved Matters, significant care has been taken with the proposed layout to ensure that a high-quality residential environment will be created with a sense of place and which reflects the local vernacular. Details of this are set out in the submitted Design and Access Statement.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

- 5.63 Regarding ecology, the site is predominantly covered in hard standing and is of limited ecological value. The Applicant's case is that additional landscaping proposed as shown on the proposed layout plan will provide an opportunity to enhance biodiversity. There is also the opportunity to incorporate bat and bird boxes/brick within the site and design of the houses. The Applicant's agree to a suitable planning condition to that effect.
- 5.64 The proposal accords with Section 15 of the NPPF and the landscaping strategy will provide a benefit by improving biodiversity in the area.

DRAINAGE AND FLOOD RISK

ASSESSMENT OF PLANNING CASE

- 5.65 The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, water supply and demand considerations.
- 5.66 In this regard, the Applicant's undertook initial investigations into drainage and flood risk issues and a detailed Flood Risk Assessment has been prepared which concludes that the site is not at significant risk of flooding and will not cause any flooding or drainage problems off-site.
- 5.67 The Applicant's case (as set out in the evidence with the Application submission) is that the proposals will not increase the risk of flooding either on or off site and that the site can be adequately drained of both surface and foul water, subject to the implementation of an approved drainage scheme based on the recommendations and design principles set out in the Flood Risk Assessment and Drainage Strategy.

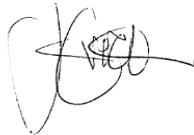
SUMMARY AND CONCLUSIONS

- 6.1 The preceding sections of this Statement have examined the planning policy context for the proposal for a residential scheme on this site.
- 6.2 Regarding the principle of residential development - the site is previously developed land located within the identified boundaries of Ripon which is a major service centre for the District. Development for residential use matches the Council's growth aspirations for the District as set out in its emerging Local Plan. Housing supply is currently around the 5-year target - but this is marginal at best and, in any event, the 5-year supply includes an allowance for previously developed windfall sites to come forwards. In other words, this is exactly the type of site the Council envisages is an essential component of short-term housing delivery in the District.
- 6.3 The Council's pre-application advice suggests that Officers support the benefits a housing development would bring but are concerned about a perceived loss of employment land. This concern is not mirrored the Council's adopted Development Plan policies which do not afford the site any protection as a Good and Best Employment Site – nor does the Council's evidence base. Indeed, the Council's evidence base for its emerging Local Plan (dated August 2018) unequivocally states that the site is not suitable for continued employment use – and that new uses such as residential should be actively encouraged. There is simply no policy justification or other material circumstance to justify the Officers pre-application advice that some form of employment use should be retained on the site.
- 6.4 Having regard to my assessment of the Planning Balance I have then considered whether there are any other material circumstances that would outweigh the NPPF presumption to grant permission. I have concluded that the Application proposals will not cause any adverse effects and will deliver significant benefits including:
- Delivering much needed housing in a District where there is a recognised significant shortage of housing.
 - Delivering a brown field windfall site to boost the short-term delivery of housing in the District
 - Delivering high quality homes to a high standard of design
 - Delivering market and affordable housing in a highly sustainable location within walking distance of all services and facilities.
 - Delivering economic benefits through construction and resident spend, adding to the viability and vitality of the community.
- 6.5 I also consider that the proposals will not have any significant adverse effect:
- On the residential amenity of existing occupiers adjacent to the site
 - On the landscaping character and appearance of the area

SUMMARY AND CONCLUSIONS

- On drainage or flood risk effects subject to the implementation of the recommendations set out in the Flood Risk Assessment.
 - On highway safety
- 6.6 Through the above assessment of the proposals against the core principles of sustainable development set out in the NPPF, it has been demonstrated how the proposals will deliver significant economic, social and environmental benefits. As there are no other material considerations which would indicate otherwise, in accordance with the NPPF the proposed development should be approved without delay as it represents sustainable development.
- 6.7 I conclude that the Application proposals are in conformity with the Development Plan and the Policies of the NPPF and should be granted planning permission.

Signature:



Date: 22nd October 2018.....

JAY EVERETT BSc HONS, MRTPI