

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 11 October 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 Director of Housing and Planning 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 Director of Housing and Planning 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.

Mick Jewitt
Director of Housing and Planning 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

11 OCTOBER 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/02543/FUL Mr J Saddington	<p>Construction of 59 dwellings and associated roads, sewers and landscaping as amended by plans received by Hambleton District Council on 28th June 2012. at Land To Rear Of 28 - 34 Bedale Road Aiskew North Yorkshire for Cecil M Yuill Ltd.</p> <p>RECOMMENDATION: DEFERRED</p>
2	12/01402/FUL Mr J Saddington	<p>Demolition of existing residential apartments and commercial/industrial buildings and construction of 82 dwellings, alterations to 9 existing business units to form 9 retail/industrial/business units (A1, A2, B1a, B1c, B8 and D1) and construction of a new retail unit (class A1) with associated access, car parking, landscaping and ancillary works. at 1 Leeming Lane Leeming Bar North Yorkshire for Castlevale Group Ltd.</p> <p>RECOMMENDATION: DEFERRED</p>
3	12/01209/FUL Mr J Saddington	<p>Construction of 48 dwellings with associated garages, parking and landscaping. at E Ward And Son Ward Trailers York Road Easingwold for Persimmon Homes (Yorkshire) Ltd.</p> <p>RECOMMENDATION: DEFERRED</p>
4	12/01407/FUL Mrs H M Laws	<p>Change of use of agricultural land for the siting of 16 holiday lodges with associated access, footpaths, car parking and landscaping. at Part OS Field 8871 Easingwold North Yorkshire for Ms J M Grant & Ms P A McDonnell.</p> <p>RECOMMENDATION: GRANTED</p>
5	12/01110/FUL Mr I Nesbit	<p>Change of use of agricultural land to leisure and tourism use, alterations to existing farmstead building to form a cycle and refuse store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area, siting of 2 log cabins and formation of site car parking. Retrospective application for change of use of part of dwelling to form a beauty clinic. Change of use of a wildlife pond to form a fishing/wildlife pond. at Girsby Hall Farm Over Dinsdale North</p>

		<p>Yorkshire DL2 1PP for Mr G Turnbull & Mrs A Turnbull.</p> <p>RECOMMENDATION: REFUSED</p>
6	12/01532/LBC Mr I Nesbit	<p>Application for listed building consent for alterations to existing farmstead building to form a cycle and refuse store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area. Retrospective application for change of use of part of dwelling to form a beauty clinic.. at Girsby Hall Farm Over Dinsdale North Yorkshire DL2 1PP for Mr G Turnbull & Mrs A Turnbull.</p> <p>RECOMMENDATION: GRANTED</p>
7	12/00981/FUL Mrs B Robinson	<p>Siting of a wind turbine (24.6M mast) as per amendments received by Hambleton District Council on 16th July 2012. at Angrove West Farm Great Ayton North Yorkshire TS9 6QA for GW Marsay & Sons.</p> <p>RECOMMENDATION: GRANTED</p>
8	12/01554/FUL Mrs B Robinson	<p>Installation of anaerobic digestion facility to provide combined heat and power plant (CHP) including the construction of a silage/digestate clamp, siting of digester, formation of a lagoon, siting of a CHP plant in a shipping container, construction of flare stack and ancillary access roads, provision of landscaping and electricity grid connection as amended by plan received by Hambleton District Council on 6 September 2012. at Bonnie Hill Dairy Farm Great Broughton North Yorkshire TS9 7EY for JFS & Associates.</p> <p>RECOMMENDATION: GRANTED</p>
9	12/01252/FUL Mr I Nesbit	<p>Revised application for demolition of existing bungalow and construction of replacement dwelling. at Crossways Middleton Road Hutton Rudby North Yorkshire for Mr Karl G Finch.</p> <p>RECOMMENDATION: GRANTED</p>
10	12/01497/FUL Mrs S Leeming	<p>Change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to a storage and distribution depot. at Air Tech Unit 1 Skipton Old Airfield Sandhutton for Price's Paving And Tile Ltd.</p> <p>RECOMMENDATION: REFUSED</p>

11	12/01556/FUL Mr J Saddington	<p>Demolition of 1 dwelling and depot building and construction of 51 dwellings with associated access, parking, public open space and landscaping. at Warehouse Buffer Depot Sowerby North Yorkshire YO7 1QX for Persimmon Homes (Yorkshire) Ltd & Secretary Of State For Com.</p> <p>RECOMMENDATION: DEFERRED</p>
12	12/01723/ADV Mrs S Leeming	<p>Application for advertisement consent for the retention of 1 externally illuminated sign and 1 non illuminated sign. at Coles Solicitors 1 Finkle Street Thirsk North Yorkshire for Coles Solicitors Ltd.</p> <p>RECOMMENDATION: GRANTED</p>
13	12/01401/FUL Mrs B Robinson	<p>Retrospective application for the siting of a caravan to be used as a temporary agricultural workers dwelling. at Canada Fields Moor Lane Yafforth North Yorkshire for Mr K Tiplady.</p> <p>RECOMMENDATION: GRANTED</p>
14	12/00943/FUL Mr J E Howe	<p>Retrospective application for a change of use of agricultural land to mixed use of agricultural and the storage of trailers and equipment for grounds maintenance company and the construction of a boundary fence and retention of a shed and ancillary hardstanding to store equipment and chemicals. at The Long Acres Fore Lane Thornborough North Yorkshire for MHS Countryside Management.</p> <p>RECOMMENDATION: GRANTED</p>
15	12/01003/FUL Mr J E Howe	<p>Retrospective application for a change of use of domestic garage to a joinery workshop. at Workshop Garage At Rear Of Roselea Thornborough North Yorkshire for R N & W Bramley Ltd.</p> <p>RECOMMENDATION: REFUSED</p>

1.

11/02543/FUL

Construction of 59 dwellings and associated roads, sewers and landscaping as amended by plans received by Hambleton District Council on 28th June 2012 at Land to rear of 28 – 34 Bedale Road, Aiskew for Cecil M Yuill Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 59 dwellings, associated roads, sewers and landscaping. This will deliver a development of approximately 25.6 dwellings per hectare. A maximum of 15 dwellings (25%) are identified for affordable use, (see paragraph 5.37) the balance of 44 dwellings for private residential use. The affordable dwellings are distributed throughout the scheme and will be designed to appear indistinguishable from open market properties.
- 1.2 The proposed dwellings will be predominately two storeys in height with 9 two-and-a-half storey dwellings at key locations. The proposed accommodation will provide a mix of 1, 2, 3 and 4 bedroom dwellings. No apartments or bungalows are proposed.
- 1.3 The majority of dwellings will be constructed using warm red multi and buff multi brickwork, although some buildings will feature full height render and natural stone. Pantiles and natural slate roof coverings will be used throughout. The proposed architectural detailing includes: gable fronted properties; varied window styles ranging from sliding sash to modern casement; splayed and square bay windows to ground floors; chimneys and decorative dentil courses. All dwellings have private amenity space in the form of rear gardens, some housetypes are provided with a front garden.
- 1.4 The “Ripley” and “Westerdale” housetypes have double garages with double width drives. The “Rosedale” and “Maltby” have a single detached garage and in-curtilage car parking for two cars. The “Farnham” and “Ellerby” housetypes have a single integral garage with double width drives. The semi-detached dwellings generally have two parking spaces in the form of a double length drive whilst the terraced units having one parking space each.
- 1.5 Private defensible spaces will be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber screen fences to a combination of brick wall and railings. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 1.6 A linear public open space measuring 1,416 sqm features within the development, which will contain retained mature trees. A toddlers play area of approximately 68 sqm is included within this area of public open space. Dwellings front onto this open space and additional incidental landscaping is provided throughout the site, particularly at the site entrance adjacent to Manor Cottage.
- 1.7 Both primary vehicular and pedestrian accesses are from a new junction formed on the A684. The internal road network is formed with a conventional 5.5m wide road with a 1.8m wide footway. Further pedestrian connectivity is provided at two locations on Blind Lane which forms the eastern boundary to the site.

1.8 The proposed development is located on the south east side of Aiskew, south of the A684 and north of the Wensleydale Railway. The site forms part of the BH3 (South East of Aiskew) Allocation. The eastern boundary is formed by Blind Lane which bisects BH3 Allocation. The western part of BH3 is in agricultural use (pasture). The site adjoins existing residential development to the north west and open countryside (over the railway line) to the south east. Policy BH3 states that these linked sites are allocated for housing development, subject to:-

- ii) development of Site BH3 being delivered in Phase 1 (up to 2016) and Phase 2 (2016-21), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);
- iii) types and tenure of housing developed meeting the latest evidence on local needs;
- iv) suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;
- v) potential access from this site to Site BM2 adjacent being retained as part of the design and layout any development of Sites BH2/BH3;
- vi) contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage disposal infrastructure improvements required to accommodate new development in the area; and
- vii) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- CP3 - Community Assets
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing
- CP7 - Phasing of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing

- CP16 - Protecting and enhancing natural and man-made assets
- CP17 - Promoting high quality design
- CP18 - Prudent use of natural resources
- CP19 - Recreational facilities and amenity open space
- CP20 - Design and reduction of crime
- CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

- DP1 - Protecting amenity
- DP2 - Securing developer contributions
- DP3 - Site accessibility
- DP4 - Access for all
- DP6 - Utilities and infrastructure
- DP8 - Development Limits
- DP13 - Achieving and maintaining the right mix of housing
- DP15 - Promoting and maintaining affordable housing
- DP29 - Archaeology
- DP30 - Protecting the character and appearance of the countryside
- DP31 - Protecting natural resources: biodiversity/nature conservation
- DP32 - General design
- DP33 - Landscaping
- DP34 - Sustainable energy
- DP36 - Waste
- DP37 - Open space, sport and recreation
- DP39 - Recreational links
- DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

BH3 – South East of Aiskew

Other Relevant Documents

Hambleton Biodiversity Action Plan
 Council Plan
 Sustainable Communities Strategy

4.0 CONSULTATIONS

Parish Council

4.1 Has confirmed no observations.

NYCC Highways

4.2 No objections subject to conditions covering the following:-

- i) Detailed plans of road and footway layout
- ii) Construction of roads and footways prior to occupation of dwellings
- iii) Discharge of surface water
- iv) Visibility splays
- v) Pedestrian visibility splays
- vi) Approval of details for works in the highway
- vii) Completion of works in the highway (before occupation)
- viii) Details of access, turning and parking
- ix) Prevent mud on highway
- x) Construction traffic
- xi) Doors and windows opening on the highway

xii) On-site parking, storage and construction traffic parking

HDC – Environmental Health Scientific Officer

- 4.3 Agrees with the findings of the preliminary geoenvironmental investigation report, however would like to add the following recommendations for the design of the ground investigation:
- 4.4 The sampling strategy and density should comply with sections 7.7.2.2 and 7.7.2.3 of British Standard 10175:2011. The sampling density recommended in the Lithos report recommends 10 Trial pits for the initial ground investigation which falls short of the density recommended in the new British Standard.
- 4.5 The potential contaminants associated with the former use should also include sampling and testing for Poly-Aromatic Hydrocarbons around the area formerly occupied by the glasshouses and growing areas. It has been known for ash and clinker to be used to construct footpaths at market gardens and allotments in the region.
- 4.6 Also recommends that the standard contaminated land condition is applied.

NYCC Historic Environment Team (Archaeology)

- 4.7 The proposed development lies within an area of archaeological potential. There are no currently recorded archaeological remains within the application area, however, there are known remains within the vicinity. The settlement of Aiskew is believed to have early medieval origins. Therefore, there is potential for archaeological remains to be present on this site which may shed further light on the origins of the village.
- 4.8 In accordance with the NPPF, advise that a Desk Based Assessment be carried out to inform of the potential for archaeological remains and to assess the impact of the proposal.

NYCC Education

- 4.9 Based on the current proposal a contribution of £190,344 is sought.

Bedale Conservation Advisory Group

- 4.10 Comments made on the original site layout - these would appear to be very standard suburban housing development. The fact that the land lies within a Conservation Area dictates that a much more careful approach should be taken if the land is to be development with special consideration to open space, views, important buildings, vistas through the site from vantage points and in particular much more careful attention paid to the groups and massing of buildings and to produce a scheme which is reasoned and tailored to the Conservation Area. The fact that suburban developments exist already is in our view not a reason to follow the same pattern of development on this land.

Yorkshire Water

- 4.11 YWS has no objection in principle to:
- 1) The proposed sewer diversion
 - 2) The proposed separate systems of drainage on site and off site
 - 3) The proposed amount of domestic foul water to be discharged to the public foul water sewer
 - 4) The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 5 (five) litres/second)

- 5) The proposed points of discharge of foul and surface water to the respective public sewers.

The Environment Agency

- 4.12 Comments awaited.

Internal Drainage Board

- 4.13 Whilst the site lies outside the Swale and Ure Drainage District the Board requires consent under Byelaw 3 for the discharge of additional flow or volume of water as a result of development. Therefore if the site drains into the drainage district and if the proposal increases the rate of run-off by additional paved area then this will be attenuated at 1.4l/s/ha which is the prescribed greenfield rate of run-off for the Swale and Ure District. This is in general accordance with PPS25.

Police Architectural Liaison Officer

- 4.14 Recommendation 1 - That the play area be withdrawn from this site as it is unsuitable with the density of housing on this estate, and just leave it as a public open space.
- 4.15 Recommendation 2 - That the play area be fenced off and have a lockable gate.
- 4.16 Recommendation 3 - Signs should be erected to state:1) What age groups the play area is intended for. 2) What times the play areas can be used between.

Network Rail

- 4.17 No objection in principle subject to conditions covering: drainage; use of crane and plant; earthworks; security; fencing; noise; lighting; trees and shrubs and access to the railway.

Publicity

- 4.18 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 19th July 2012. Two letters of objection have been received which have been summarised as follows:
- a) Impact on already overburdened services provided by dentists, schools and GP surgery.
 - b) Sewerage problems.
 - c) Traffic congestion on A684.
 - d) Impact on local wildlife.
 - e) There is enough affordable housing locally.
 - f) Question housing need.
 - g) Anti-social behaviour will increase.
 - h) The development should be served by more than one access.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are matters relating to: -
- a) Location and mix of New Housing
 - b) Design and density
 - c) Protecting amenity
 - d) Sustainable construction
 - e) Highway safety and car parking
 - f) Drainage and flood risk

- g) Ecology
- h) Public Open Space
- i) Affordable housing and viability

Location & Mix of New Housing

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 The site forms the eastern half of the BH3 (South East of Aiskew) which is allocated for housing development in Phase 1 (up to 2016) and Phase 2 (2016-2021) subject to the provisions detailed within paragraph 1.8 of this report. No proposal has been made for the remainder of the BH3 site or the BH2 "Pig Farm" site to the east.
- 5.4 In terms of housing mix, the "Housing Needs Study 2004" updated by the "Housing Market Demand Study 2008" indicate that there is demand for all types of housing in the Bedale Sub Area. Expectations continue to be that the development will deliver a number of three, four and five bedroom homes. Demand for one bedroom units has also been identified.
- 5.5 The application makes provision for a mix of 1, 2, 3 and 4 bedroom dwellings in semi-detached and detached form. Consequently, the proposed development addresses the housing need for a range of family homes along with the specific local demand for one bed units.
- 5.6 In light of the above considerations, the principle of the proposed development is considered to be acceptable.

Design & Density

- 5.7 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be 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.
- 5.8 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.9 Officers were initially critical of the proposed design and expressed concern about: the character of the proposed house-types; the close proximity of some plots to established dwellings; and the lack of on-site public open space.
- 5.10 Following a character analysis of Aiskew, the Applicant has made significant improvements to the proposed house types and the site layout. The house-types have been substantially improved using the more traditional elements of Aiskew's built environment as inspiration for the elevational treatment, the palette of materials has been amended to reflect local vernacular including stone and rendered buildings, the central area of Public Open Space has been increased in size to 1,416 sqm and will contain a toddlers play area and the open space will enable a row of mature trees to be retained. Those dwellings adjacent to the northern boundary have been moved further away from existing dwellings in order to comply with the Council's indicative separation distances. These amendments have resulted in the scheme being reduced from 66 dwellings to 59 dwellings.

- 5.11 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.
- 5.12 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for a site involves developing an understanding of the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.13 The application site covers around 2.3ha of the total 5.8ha of allocation BH3. The net developable area is approximately 2.04ha, taking into account open space and highway access. As a result, the proposed development will deliver 59 units at 28.9 dwellings per hectare. Whilst this figure is lower than the 32dph policy expectations, achieving high quality design on a site that forms the gateway to BM3 must be the overriding objective. There will be scope on the remainder of BM3 to create a higher density development and push housing numbers up towards the anticipated total of around 203 dwellings.
- 5.14 In light of the proposed changes, the broad principles of the site layout and the proposed house types are considered to be acceptable. Consequently, the proposed development is considered to be in accordance with NPPF and Policies CP17 and DP32 of the Hambleton Local Development Framework.

Protecting Amenity

- 5.15 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.16 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.17 The original layout failed to comply with the Council's indicative separation distances. However, as identified within paragraph 5.11 of this report, those dwellings adjacent to the northern boundary have been moved further away from existing dwellings in order to comply with the Council's indicative separation distances. Elsewhere, the relationship between the proposed and existing dwellings is considered to be acceptable.
- 5.18 Manor Cottage stands adjacent to the main site access and will be significantly affected by the proposed development. 34 Bedale Road stands on the opposite side (eastern boundary) of the proposed access, but the owner/occupiers have a financial interest in the development. The owner/occupier of Manor Cottage has expressed concern about a potential loss of amenity from the development, in particular: disturbance from pedestrian movement alongside of Manor Cottage (which has windows serving habitable rooms within its side elevation), loss of privacy to rear garden space and safe vehicular and pedestrian access to the property.

- 5.19 Discussions are ongoing with the Applicant about securing a package a mitigation measures for the neighbouring property. To date, the Applicant has agreed to reposition the main door to Manor Cottage from the side elevation to the rear elevation at a cost of £4K, construct a 1.8m high boundary wall to side and rear of Manor Cottage and create a new vehicular access to Manor Cottage. Deletion of the footpath alongside Manor Cottage is currently being explored and discussions are ongoing with the Local Highway Authority. The owner/occupier of Manor Cottage has confirmed that this complete package of mitigation measures would overcome concerns about loss of amenity.

Sustainable Construction

- 5.20 Policy DP34 of the LDF 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.
- 5.21 In response to the requirements of DP34, an Energy Statement has been submitted which confirms that the 10% energy saving will be delivered via a combination of improvements to the fabric of the buildings above Building Regulations and the installation of photovoltaics. However, no firm proposals have been presented to the Council.
- 5.22 Consequently, it is recommended that a suitably worded condition be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Highway Safety & Car Parking

- 5.23 The site will be accessed off Bedale Road which provides access to the wider highway network. The proposed visibility splays accord with the guidance of "Manual for Streets" and therefore no objection has been raised by the Local Highway Authority.
- 5.24 The proposed development contains a total of 101 car parking spaces (excluding garages) which equates to approximately 1.7 spaces per dwelling. This level of provision is considered to be acceptable.

Drainage & Flood Risk

- 5.25 A Flood Risk Assessment and Foul & Surface Water Drainage Strategy (FRA) produced by iD Civils Design Ltd has been submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 5.26 The development of the site will require a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system will be adopted by Yorkshire Water under a section 104 agreement.
- 5.27 It is recommended that conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

Ecology

- 5.28 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’.

- 5.29 An Extended Phase 1 Habitat Survey produced by Argus Ecology has been submitted with the application. This Survey makes the following recommendations:-
- To minimise the negative impact on breeding birds, scrub clearance or tree pruning/felling should not be undertaken during the bird breeding season (March – August) unless prior checks have been carried out by a suitably qualified ecologist.
 - Additional bat surveys were recommended and have been carried out in 2010 and 2011 to establish whether any of the trees within the site are currently being used by roosting bats. This survey work is found no use of the trees by bats although important flyways were identified.
 - There are opportunities for possible nature conservation enhancement at this site and it is recommended that landscaped areas are designed to maximise the benefits to bio-diversity. Simple ecological principles could be applied to maximise biodiversity on the site including the retention of mature trees where possible, infilling or gapping up existing hedgerows if they are remaining, incorporating hedgerows into the landscaping design rather than using fences, using native tree and shrub species for planting schemes or undertaking small-scale habitat creation schemes such as pond creation, which in addition to increasing biodiversity adds amenity and aesthetic value to the development.
 - An arboricultural survey or ideally an arboricultural impact assessment could be carried out by a suitably qualified arboriculturalist to determine the condition of the trees on site and to provide information on the impacts of the proposed development on the existing trees.
- 5.30 In light of the findings and recommendations of the Extended Phase 1 Habitat Survey, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan and Tree Protection Plan.

Public Open Space

- 5.31 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. Contributions will be dependent on increased demand resulting from the development.
- 5.32 The proposed development incorporates a central area of public open space extending to 1,416 sqm. This space will be used for informal recreation and children’s play. A scheme for the installation of play equipment, landscaping, bins and benches is proposed to be secured through the open space works scheme contained within a Section 106 agreement.
- 5.33 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within Easingwold. A contribution of £207,288.60 is required in accordance with this policy.

Affordable Housing & Viability

- 5.34 Policy CP9 specifies that housing development of 15 dwellings or more within Aiskew and Bedale should make provision for 40% affordable housing which is accessible to those unable to compete in the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the

economics of provision. This policy stance is reinforced by allocation BH3 which sets also sets a target of 40% affordable dwellings, subject to viability.

- 5.35 The tenure and type of affordable housing has been agreed between the Applicant and the Council's Housing Services Manager although concerns have been expressed about the low level of affordable housing proposed.
- 5.36 A "Viability Appraisal" has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions. The Viability Appraisal concludes that the scheme can deliver 10% affordable housing. The Applicant has presented two options to the Council:
- Option One - 10% affordable housing is provided on site, with the Council receiving the full amount of s106 contributions requested.
 - Option Two - 20 to 25% affordable housing is provided on site, with the Council receiving a reduction in s106 contributions equivalent to the reduction in land value resulting from increased provision.
- 5.37 In addition to delivering affordable housing and public open space, allocation BM3 of identifies a need for the following contributions from the developer:-
- Bedale Footpath & Cycleway Scheme – £163,608
 - Education – £190,344
- 5.38 The details of the contributions sought from the scheme and the developers assessment in their submitted "Viability Appraisal" has been referred to the District Valuer for scrutiny. The District Valuer's findings are awaited.

6.0 SUMMARY

- 6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy BM3. The proposals are considered to achieve a high quality of design and appropriate density and makes provision to access adjoining land complete the residential development envisaged in the Allocations DPD Policy BH2 and BH3. The amendment scheme will deliver an attractive and sustainable development which will add to the built environment of Aiskew.
- 6.2 The proposed amount of affordable housing is both uncertain (as two options are proposed, one of which is indeterminate of actual numbers) and substantially below the expected levels identified in the adopted LDF Policy. A "Viability Appraisal" has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions.
- 6.3 The "Viability Appraisal" has been referred to the District Valuer for scrutiny. The District Valuer's findings are awaited.
- 6.4 Discussions are ongoing with the Applicant about securing a package a mitigation measures in relation to Manor Cottage. Deletion of the footpath alongside Manor Cottage is currently being explored and discussions are ongoing with the Local Highway Authority.

7.0 RECOMMENDATION

It is recommended that the application be **DEFERRED**. However, in the event that Members wish to support the proposal, the following conditions are recommended to be attached to any approval:

1. Commencement

The development hereby permitted shall be begun within five years of the date of this permission.

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered (to be confirmed) received by Hambleton District Council on (to be confirmed) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

3. Materials

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

4. Boundary Treatments

The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

5. Boundary Treatment Construction

No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

6. Permitted Development Rights Removed – Boundary Treatment

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no

fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

Reason: In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

7. **Landscaping Scheme**

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

8. **Secured By Design**

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

9. **Sustainable Construction**

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

Reason: In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

10. **Levels**

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

11. Separate Drainage Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

12. Surface Water Drainage

The development hereby approved shall not be commenced until details of surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

13. No Piped Discharge of Surface Water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

14. Foul Drainage Scheme

The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

15. Archaeology

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority.

Reason: The site is of archaeological interest.

16. Habitat Management & Enhancement Plan

Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

17. Tree Protection Plan

The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.

Reason: In the interests of the visual amenities of the locality.

18. Railway Undertaker's Assets

Prior to the commencement of development, a scheme to protect the railway undertaker's assets from vibration, excavations, earthworks, the collapse or failure of plant and equipment and surface water discharge both during and after the construction of each phase shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved scheme shall be implemented and maintained thereafter, unless varied by alternative details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe operation of the railway.

19. Land Contamination Condition

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.

20. Detailed Plans of Road and Footway Layout

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures

- (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

21 Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

22. Discharge of Surface Water

There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together

with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

23. Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road A684 from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

24. Pedestrian Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, there visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

Reason: In the interests of pedestrian safety.

25. Approval of Details for Works in the Highway

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority.
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:
 - a. Provision of tactile paving
 - b. To remove existing bus lay-by and provide a new bus stop including measures to re-use the existing shelter

26. Completion of works in the highway (before occupation)

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 25: To remove existing bus lay-by on A684 opposite the new junction and provide a new bus stop including measures to re-use the existing Shelter.

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

27. Details of Access, Turning and Parking

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (iii) loading and unloading arrangements

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development

28. Parking for Dwellings

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the detailed drawing yet to be approved. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

29. Precautions to Prevent Mud on the Highway

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

30. Construction Traffic

During construction works there shall be no Medium Goods Vehicles up to 7.5 tonnes and Heavy Goods vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or Bank Holiday nor at any time, except between the hours of 9:00 & 15:30 on Mondays to Fridays and 8:30 to 12:30 on Saturdays.

Reason: In order to protect the amenity of local residents in accordance with Policy DP1 of the Hambleton Local Development Framework.

31. Doors & Windows Opening over the Highway

All doors and windows on elevations of the buildings adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: In the interests of highway safety.

32. On-site Parking, on-site Storage and construction traffic during Development

Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

2.

12/01402/FUL

Demolition of existing residential apartments and commercial/industrial buildings and construction of 82 dwellings, alterations to 9 existing business units to form 9 retail/industrial/business units (A1, A2, B1a, B1c, B8 and D1) and construction of a new retail unit (class A1) with associated access, car parking, landscaping and ancillary works as amended by plans received by Hambleton District Council on 29th August 2012 at Leeming Lane, Leeming Bar for Castlevale Group Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 82 dwellings, 9 commercial units (Use Class A1, A2, B1, B8 and D1) and a detached retail unit (A1) with associated access, car parking, landscaping and associated works. The proposal will result in a density of approximately 37 dwellings per hectare and will deliver 40% affordable housing across the whole of the application site.
- 1.2 The application site is situated at the centre of Leeming Bar on the southern side of the Northallerton Road at the junction with Leeming Lane. The site covers the former John H Gills' site and Elm Tree Farm (which together form Allocation Site BM4), Fairview Flatts and additional agricultural land to the east.
- 1.3 The John H Gills portion of the application site contains a range of Grade II Listed Buildings which date from the 1840s. The building was originally constructed as an agricultural implement makers and has operated as a similar business since that time. During the 20th century the building was subject to substantial alteration to its fabric, with several extensions being constructed in breezeblock and the replacement asbestos roof.
- 1.4 These buildings are currently occupied by a range of retail, light industrial and office businesses. An agricultural / horticultural machinery sales and repair business and a bicycle shop will remain on site.
- 1.5 The listed buildings will be repaired and reconfigured for occupation by a range of commercial uses including retail (A1 & A2), offices and light industrial (B1) and non-residential institutions (D1). Permission is also sought for the change of use of a small agricultural building, adjacent to the proposed convenience store, which is to be converted to a small studio / workshop (B1). A separate application for Listed Building Consent examines the impact of the proposed alterations upon the character and fabric of the listed buildings.
- 1.6 It is proposed to demolish Fairview Flatts along with the majority of the more recent blockwork buildings within the central area of the site. Following demolition, the proposal seeks planning permission to erect 82 residential dwellings, 32 of which (40%) are to be affordable dwellings. The development also includes the erection of a small convenience store (279 sqm), the formation of a village green at the eastern boundary of the site and a village square adjacent to the mini-roundabout serving Leeming Lane and Northallerton Road.
- 1.7 The proposed residential accommodation will be predominately two storeys in height with some two-and-a-half storey dwellings at key locations. The proposed

accommodation will range from two bedroom flats to four bedroom detached houses. The proposed architectural treatment includes: heads and cills to windows, bay windows, chimneys, water tabling and decorative dentil courses. All dwellings have private amenity space in the form of rear gardens, some housetypes are provided with a front garden. All dwellings will be constructed to the “Code for Sustainable Homes” – Level 3.

- 1.8 Boundary treatments consist of a mixture of metal railings to define the public realm whilst a range of full height walls and fences will be used at key corners and vista stops. Low level planting is proposed to the front of properties.
- 1.9 Two vehicular accesses are to be provided into the site. The main access will be off Northallerton Road which will provide access to the residential dwellings as well as commercial floorspace contained within the Listed Building. A separate access is provided off Leeming Lane which will serve the proposed retail unit, the small workshop / studio and six affordable housing units.
- 1.10 Car parking provision for set at 2 spaces per dwelling and 1 spaces or 1.5 spaces for apartments depending upon the size and position of the unit. The proposed commercial floorspace will be served by 53 parking spaces and communal services yards.
- 1.11 As identified above, the majority of the site is allocated for mixed use development by Policy BM4 (Leeming Lane, Leeming Bar) of the adopted Allocations Development Plan Document, subject to: -
 - i) housing (1.25ha) being developed in Phase 2 (2016-2021);
 - ii) development being at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 40% should be affordable);
 - iii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iv) provision of appropriate sound insulation measures on new dwellings to mitigate the noise impact from RAF Leeming;
 - v) design and layout which enables the creation of a suitable centre for the village and respects the character and setting of the existing Listed Buildings;
 - vi) employment and retail development for A1, A2 and B1 uses being provided;
 - vii) the capacity of the local sewerage and sewerage disposal infrastructure being improved.
 - viii) contributions from the developer towards providing public open space, the footpath and cycleway network, particularly along the Wensleydale Railway route, improvements to the existing sewerage and sewage disposal infrastructure; and
 - ix) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.12 The application is supported by a comprehensive package of submission documents including: a Heritage Statement, Landscaping Statement, Flood Risk and Drainage Assessment, Transport Assessment and Travel Plan, Extended Phase 1 Habitat Survey, Bat Survey, Geo-physical Survey and Noise Impact Assessment,

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/03302/FUL - Alterations and extensions to existing building to form 12 flats and 11 dwellings and construction of 11 new build dwellings and 5 new build flats and creation of a new vehicular access as amended by plans and additional information received by Hambleton District Council on 29 April 2009, 22 July 2009 and 18 August 2009. Refused on 17.11.2009 for the following reasons:-

1. Without any retail, commercial or other mixed-use use component, the proposed development will fail to deliver Hambleton District Council's key objective of facilitating the regeneration of Leeming Bar via the creation of a suitable, sustainable and well designed service centre, contrary to Policy BM4 of the emerging Allocations Development Plan Document and policies CP1, CP3, CP4, CP12, DP5 and DP16 of the adopted Hambleton Local Development Framework.
2. The proposed development fails to deliver any affordable housing without reasoned justification, contrary to Policy CP9 of the adopted Core Strategy which requires 40% affordable housing in housing developments of two or more dwellings within Leeming Bar. Whilst Policy CP9 allows for viability to be taken into account, the provision of affordable housing on this site is only unviable if it is developed in isolation from the adjoining part of site BM4 as defined within the emerging Allocations Development Plan Document.
3. 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.
4. The proposed development fails to promote sustainable forms of transport within the locality by contributing to the delivery of a strategic footpath and cycleway network, particularly along the Wensleydale Railway route, as defined within Policy BM4 of the emerging Allocations Development Plan Document, contrary to Policy DP2 of the adopted Hambleton Local Development Framework.
5. Insufficient information has been submitted with the application to enable a full assessment to be undertaken of the proposed development's impact on the character and appearance of the listed building. Consequently, the application fails to demonstrate compliance with the requirements of Planning Policy Statement 15 and policies CP16 and DP28 of the adopted Hambleton Local Development Framework.
6. The proposed site layout is considered to be car dominated and poorly designed. The majority of dwellings have small gardens and suffer from a lack of privacy due to mutual overlooking. Plots 37 to 39 fail to meet the Council's indicative separation distances from existing buildings and will therefore result in an oppressive outlook for the occupiers of these units. Consequently, the proposed development fails to meet the high standards of urban design required by Planning Policy Statement 1 and Policy DP32 of the adopted Hambleton Local Development Framework.
7. The proposed new build element of the scheme oversails an existing water main crossing the site which severely restricts the Water Authority's ability to adequately access and maintain this water main, contrary to Policy DP6 of the Hambleton Local Development Framework.

(Appeal Dismissed on 03.12.2010)

2.2 07/03303/LBC - Application for listed building consent for alterations and extensions to existing building to form 12 flats and 11 dwellings and construction of 11 new build dwellings and 5 new build flats as amended by plans and details received by Hambleton District Council on 29 April 2009, 22 July 2009 and 18 August 2009. Refused on 16.11.2009 for the following reasons:-

1. Insufficient information has been submitted with the application to enable a full assessment to be undertaken of the proposed development's impact on the

character and appearance of the listed building. Consequently, the application fails to demonstrate compliance with the requirements of Planning Policy Statement 15 and policies CP16 and DP28 of the adopted Hambleton Local Development Framework.

(Appeal Dismissed on 03.12.2010)

- 2.3 12/01403/LBC - Application for listed building consent for demolition of existing residential apartments and commercial/industrial buildings and alterations to 9 existing retail/industrial/business units (Pending Consideration)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 – Access
CP3 – Community Assets
CP4 - Settlement hierarchy
CP5 – The scale of new housing
CP5a – The scale of new housing by sub-area
CP6 – Distribution of housing
CP7 – Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP9a – Affordable housing exceptions
CP10 – The scale of new employment development
CP10a – The scale of new employment development by sub-area
CP11 – Distribution of new employment development
CP12 – Priorities for employment development
CP15 – Rural regeneration
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 – Design and reduction of crime
Cp21 – Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 – Development Limits
DP9 – Development outside Development Limits
DP12 - Delivering housing on “brownfield land”
DP13 - Achieving and maintaining the right mix of housing

DP15 - Promoting and maintaining affordable housing
DP16 – Specific measures to assist the economy and employment
DP24 – Other retail uses
DP25 – Rural employment
DP28 – Conservation
DP29 – Archaeology
DP30 – Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 – Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

BM4 – Leeming Lane, Leeming Bar (1.9ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Aiskew & Leeming Bar Parish Council

- 4.1 Wish to see the application refused for the following reasons:-
- 4.2 Sewage – there is a significant on going problem with sewage in Leeming Bar. A considerable amount of properties in various locations within the village are affected on a regular basis and this can happen up to 10 to 12 time per month. The issue is, residents being unable to use toilets, baths, showers and sinks in order to prevent their houses becoming flooded with sewage. Gardens and roads are frequently flooded with raw sewage. This issue has been raised repeatedly by residents and the Parish Council with Yorkshire Water and Environmental Health over a period of at least 8 years. The Parish Council believes that contributing factors to this problem are the design of the sewer network and capacity of the Leeming and Leeming Bar Sewage treatment works. The proposed development could only exacerbate this problem.
- 4.3 Surface Water – Leeming Bar suffers from a very high water table. Gardens and other areas of the village regularly become flooded with surface water this includes part of the development site. The problem of flooding appears to be getting progressively worse as infill is taking place in gardens and Brownfield sites. This problem has been well publicised. The proposed development could only exacerbate this problem.
- 4.4 Drainage – Whilst no member of the Parish Council is a qualified Civil Engineer, concerns have been raised by a number of items in the Drainage Report as follows:-
- Paragraph 10.5 & 10.6 – apples being compared to oranges. If the same criteria were applied to Fairview Flats as being applied to the proposed development then the existing daily sewage flow rate would be 0.644 l/s which is only 14% of the flow rate from the proposed development.

- Paragraph 10.9 – with consideration to the points raised above on drainage and sewage it is of concern that there is an intention to discharge into the water course which is in turn a tributary of Bedale Beck. This is environmentally unsound.
 - Table 3480.10 – This table does not acknowledge that some of the areas mentioned currently flood, for example land immediately to the east of the proposed development. How will the gardens be designed to prevent discharge into the new development and existing gardens?
 - Table 3480.12 – This table on one hand acknowledges that there are historical problems in Leeming Bar yet at the same time suggests that residual risks are low. This reasoning is not understood? It would also appear that the premise of the report concerns the risk of flooding on the site of the proposed development as apposed to the potential increase of flooding to existing areas of the village.
- 4.5 LDF – a large percentage of the proposed development is on land which is not included for development in the LDF. This is also Greenfield land. It is also understood that Brownfield sites should be developed before Greenfield sites. Within the Parish of Aiskew and Leeming Bar there are a number of Brownfield Sites which have been allocated within the LDF that still await development proposals. In accordance with the LDF these should be developed before Greenfield Sites.
- 4.6 Housing needs – question the need for a development of this size with 32 affordable properties. Approximately 5 years ago HDC Affordable Housing Officer conducted a survey in the Parish which was well advertised and only one person came forward to express an interest. The Parish Council would like an explanation as to how a 4 bedroom property can be classed as affordable.
- 4.7 Impact on existing properties – a large number of the proposed properties (plot numbers 6, 8, 9, 10, 11, 12, 13, 37, 38, 39, 42, 43, 60, 61, 62, 63, 64, 65 and 66) all either overlook or have the potential to overlook existing properties. A number of the proposed properties are very close to existing property boundaries.
- 4.8 Site layout – question the number of cul-de-sacs as they would appear to be there to facilitate future development of additional Greenfield land. Question why a village green is necessary when Leeming Bar has existing, varied and well maintained public open space. The village square is considered to be in a dangerous location due to the volume of traffic and the number of vehicle related incidents which have occurred on this corner. It is noted that the plans involve demolishing the Fairview Flats which consist of 12 apartments. These will be replaced by only 7 apartments in the new development. It may be considered that such apartments are the most affordable homes.
- 4.9 Infrastructure – using the figures quoted in the Planning Application if full occupancy of this site was to be achieved this would increase the population of Leeming Bar (existing Electoral Roll 773) by an additional 428 people. As well as additional loading on sewerage and drainage, already raised above, the Parish Council question the other areas of infrastructure e.g. electricity, medical and emergency services. For example, a rough estimation would suggest an influx of approximately 132 children of primary school age. The existing Aiskew & Leeming Bar School has 50 to 60 pupils and is designed for 90 to 100 pupils. Clearly it would not be able to cope with this pupil increase from the development of Aiskew Abattoir currently under construction.
- 4.10 Access for A684 – the Parish Council question the safety of the access from the A684. Whilst the Parish Council acknowledges that this is within a 30mph limit, recent surveys from HDC Community Safety Partnership indicate that 85% of

vehicles exceed this limit, a number by a large margin. Also, overtaking by eastbound traffic is prevalent on this part of the road. This may be confirmed by local Police. It is therefore suggested that the proposed A684 access is inadequate and further traffic calming/speed reducing measures, including but not limited to a roundabout, should be considered on Northallerton Road.

- 4.11 Access from Leeming Lane – The proposed new retail outlet (convenience store) will increase the traffic flow at the Leeming Lane entrance to the site. The Parish Council has already commented on the number of incidents which occur at this junction which becomes very congested at peak times.

NYCC Highways

- 4.12 Comments awaited.

NYCC Education

- 4.13 Based on the current proposal no contribution would be sought against this development. The net capacity of the school is 103. 52 pupils were on roll at May 2012. There is an estimated 21 pupils generated from the proposed housing which leaves of surplus of 34 places.

NYCC Historic Environment Team

- 4.14 The proposed development site lies within an area of potential archaeological significance. The course of Dere Street Roman road runs through the south western part of the application area. An excavation nearby to the west of Leeming Lane in 2006 revealed a number of archaeological features, the close proximity to Dere Street suggest that these could have been parts of a road side settlement. Due to the scale of the proposed development, there is potential for any surviving remains of the Roman period to be disturbed and destroyed by the proposed development.
- 4.15 The potential significance of any surviving archaeological remains in furthering our understanding of the origins and development of Dere Street and the associated Roman occupation of this area makes it important that the potential archaeological impact of this development proposal is assessed.
- 4.16 The Geophysical Survey has not revealed significant evidence for the presumed line of the Roman road within the south-west corner of the site. However this part of the site included a high level of magnetic disturbance which would have the effect of obscuring any potential archaeological features. The survey identified a number of features in the southern part of the site which may reflect archaeological responses, possibly representing roadside settlement associated with the Roman road of Dere Street. Because of the degree of masking by more recent material, and because of the unclear nature of the archaeological anomalies on the southern part of the site, it is recommended in the report that evaluation trenching be carried out.
- 4.17 Support the recommendation as set out within the report, that evaluation trenching be undertaken to clarify the extent, character and significance of any surviving archaeological remains within the application site, and thus to assess the archaeological impact of the proposed development. This advice is in accordance with The National Planning Policy Framework, paragraph 128.

Yorkshire Water

- 4.18 Comments awaited.

The Environment Agency

- 4.19 Comments awaited.

Internal Drainage Board

- 4.20 The proposal seems to favour surface water drainage attenuated by below ground storage with a discharge to Terry House Drain - the watercourse referred to flowing towards Bedale Beck from the Council Depot off Northallerton Road. Terry House Drain is an ordinary watercourse within the Swale and Ure Drainage Board. The Board's Byelaw No 3 applies which requires the Board's consent for any introduction of water into the drainage district. The development will introduce extra loading on Terry House Drain which will increase the flood risk. The Applicant will need to convince the Board that any such risk is acceptable. The run-off calculations are based on IOH 124. The greenfield rate of run-off is prescribed within the drainage district at 1.4l/s/ha for newly paved areas and this will be used in design. Any structure constructed in Terry House Drain will require consent from the Swale and Ure Drainage Board under s23 Land Drainage Act 1991.

Police Architectural Liaison Officer

- 4.21 Recommendation 1 - It is unusual to have an application of combining commercial, retail and domestic. Recommend that boundary fencing separating the domestic from the rest is substantial, not only for security but also for noise nuisance. Note that the access into the 'Commercial' part of the scheme is through the housing estate. From a security viewpoint this is a bonus - criminals wanting access into this site would also have to drive through the estate and can therefore be seen.
- 4.22 Recommendation 2 - that the Public Open Space be left just as a grassed area without any play equipment, seating or Pods etc. Whilst such equipment serves a purpose during the daytime it can be a source of youths gathering during the evening and night and creating anti-social behaviour and noise to nearby residents. Directly opposite this site is an existing play ground where children can play and therefore any further play equipment on this site should be opposed.
- 4.23 This site is quite dense with there being approx. 85 houses and 104 car parking spaces giving a 1.2 ratio of houses to car parking spaces. In addition there would be 454 people living on this relatively small site. The location of this site is relatively remote in that to travel to Northallerton, Bedale or Leyburn would require transport. I would ask what provision has been made for overspill parking. Parking on nearby roads is somewhat restricted.
- 4.24 The whole site should be protected by 1.8m high close boarded fencing around its perimeter.
- 4.25 Recommendation 3 - Whilst there are some houses that have in-curtilage parking at the front of the houses, which is good, there are a number of houses that have the parking at the side of the house. The owners cannot view their vehicles from regularly inhabited ground floor rooms and so in these cases I would recommend that a ground floor window be added into the gable end of those houses, or flats.
- 4.26 A householder not being able to see their vehicles, especially after a few vehicle crimes can cause the fear of crime in people. Fear of crime is a Material Planning Consideration.
- 4.27 The rear gardens should be secured with 1.8m high lockable gates at the sides of houses and the gates should be situated as near to the front of the building line as possible.

- 4.28 Utility meters need to be as close the front of the houses as possible, if not at the front.
- 4.29 In the communal flats give some thought about where the communal post is to be situated and a foyer needs to be designed large enough to accommodate it. Is the post box through the wall type, or is it to a communal box in the foyer? If there is to be an internal letterbox then there must be an 'air-lock' system of access with a second door being controlled as well.
- 4.30 There will need to be access control for flats with 4 or more dwellings in them. Ten or more flats will require access control with audio visual verification.
- 4.31 Recommendation 4 - That the domestic housing attained Secured By Design certification and not just adhere to the principles of Secured by Design which experience has shown is vastly different.
- 4.32 Recommendation 5 - The entry point for the retail shown just off Leeming Lane/Northallerton Rd should remain gated where a lockable gate can be secured at night. This is to deter criminals from entering the hidden courtyard where they can work unseen to commit crime. It also prevents local children / youths from gathering in this yard during the evening and at night.
- 4.33 Similarly the other courtyard marked as the 'Service Yard' where entry is gained via the housing estate should also be locked and gated at night.
- 4.34 If both of these yards are not secured at night not only does it pose a security risk but these yards could also be used for unauthorised overspill parking from the housing estate, which will cause conflict and also an additional security risk of isolated vehicles being broken into.
- 4.35 Recommendation 6 - The 'Focal Open Space' / 'Village Square' by the 'New Retail Outlet' is at present fenced off. Is this to be kept that way or is it intended to be used for something else in the future? If it is not to be fenced off what provision is there to prevent vehicles from parking on there? Recommend that some measure be taken to prevent the parking of vehicles on the 'Village Square.'
- 4.36 Recommendation 7 - The gap between the two buildings of the 'New Retail Outlet' should be permanently closed, either with fencing or extending the building from one to another. The gap is a security risk whereby criminals can have quick and easy entry and escape from the New Retail Outlet either at night or shop lifting during the day. If this gap was closed then any access would have to be via the entry road and around the end of the building, where anyone entering this yard can be seen.
- 4.37 The whole site should be lit to BS 5489.
- 4.38 Recommendation 8 - That the Retail and Commercial buildings attain Secured By design certification.

Network Rail

- 4.39 No observations to make, however, it should be noted that the railway at this location is leased to and operated by The Wensleydale Railway who should be consulted on this proposal as they may have comments which relate to the developments effects on their day to day operation of the line. Day to day railway safety management arrangements are to be made directly with the Operator.

HDC – Economic Development Officer

- 4.40 Generally support this scheme for the following reasons: It regenerates an area and will provide a fresh identity to it. The affordable homes will potentially house workers for the thriving Leeming Bar Industrial Estate. Local shops will be a positive addition providing services to residents and businesses. With the additional local development in Bedale and Northallerton, this scheme will ensure that Leeming Bar remains an attractive place to live and work and offers prospects for the future. Although it is hoped and expected that people who live here will work locally and therefore reduce the need for public transport, Leeming Bar is still a rural area and the majority of people living in the area are dependent on private cars for transport. Therefore, it is imperative that sufficient parking is provided to ensure that the development is not over crowded and remains attractive for the residents

HDC – Environmental Health Officer

- 4.41 Comments awaited.

English Heritage

- 4.42 Comments awaited.

Publicity

- 4.43 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 29th August 2012. Eleven individuals have objected whilst two people have written in support of the application, which are summarised as follows: -

Objections

1. Concerned about the close proximity to 19 & 21 Leeming Lane.
2. Would like a 10m wide planting belt between existing and proposed dwellings.
3. Existing properties will be devalued.
4. Concerned about pedestrian safety.
5. Impact on already stretched local services – schools, doctors etc.
6. Question the need for more housing in Leeming Bar.
7. Farm shop and proposed quick shop in Aiskew are sufficient to serve needs.
8. Loss of good quality agricultural land.
9. Permission to build on such a scale without prior major investment in the sewerage system would be highly irresponsible.
10. Should not build on greenfield land.
11. Leeming Bar crossroads is already a very dangerous which will be made worse by this development.
12. 82 dwellings is too many to retain the ambience and character of Leeming Bar.
13. It will create a brick and tarmac development that will not enhance the area.
14. Inadequate access – the A684 is extremely busy and is now directly connected to the new motorway. Furthermore, the cross roads at Leeming Bar constitutes an additional hazard to both motorists and pedestrians, especially at peak hours. The proposed development would considerably extend pressure on the road system and increase the risk of serious accident.
15. Failure to acknowledge the presence of a Roman road to the rear of the present bungalows on Leeming Lane. This road is of considerable archaeological interest and historical significance to the village.
16. There is an ongoing problem with sewage in Leeming Bar. There has been a lot of development in the village since they were installed and the pipes can no longer cope with the volume of waste. When heavy rain occurs, Ashlands Drive and Northallerton Road flood with sewage, the A684 outside the Simply Dutch also floods with sewage. How will feeding waste from this development into the

system further down Northallerton Road do anything but cause further back ups and even more flooding? Until this is resolved by installing a new pipeline all the way to the sewage works, there should be no development.

17. Noise – the site lies within the RAF Leeming Noise Restriction Area.
18. There will need to be some sort of access to the fields or are combine harvesters going to travel through the housing estate?
19. Concerned about lack of leisure facilities in the village – where will youths go?
20. The village square is in a dangerous location and should be reconsidered.
21. A village shop is not sustainable.
22. Object to the proximity and layout of plot 43 in relation to 7 Leeming Lane.
23. Farmland should not be used for building when brown field sites are available within a reasonable distance.
24. Without a road by-pass of Leeming Bar the present roads will not cope with the amount of extra vehicles entering and leaving the A684.
25. There is nothing wrong with the two blocks of flats, so why demolish them?
26. Why should people be subjected to living in the middle of a building site for about 3 years, suffering the associated noise and dirt and upset?

Supporting Comments

27. Support the demolition of Fairview Flats – poor state of repair, eyesore and attract anti-social problems.
28. The village does look quite industrial/commercial, and quite run down. The new plans for a total revamp of what is the heart of the village look exemplary, and I would think that the village as a whole would support these changes.
29. The proposed development will have an extremely positive effect for the twelve families at Fairview Flats and for the village itself as a whole.
30. Leeming Bar will look much nicer for the sensitive development of the area around the flats/John Gill's premises/Farm outbuildings etc.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are matters relating to: -

- j) Principle of Development & Phasing
- k) Design & Density
- l) Protecting Amenity
- m) Noise
- n) Sustainable Construction
- o) Drainage & Flood Risk
- p) Highway Safety & Car Parking
- q) Ecology
- r) Cultural Heritage
- s) Infrastructure
- t) Public Open Space
- u) Affordable Housing & Viability

Principle of Development & Phasing

5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.

5.3 As identified within paragraph 1.11 of this report, the majority of the application site is allocated for mixed use development within the adopted Allocations DPD under Policy BM4 (Leeming Lane, Leeming Bar). Allocation BM4 is comprised of the former John H Gills' site and Elm Tree Farm (1.9ha), whilst the remainder of the 3.2

ha site consists of Fairview Flats (0.2ha) and additional agricultural land to the east (1.1ha).

- 5.4 Assessing the scheme against allocation BM4, the site will provide a truly mixed use development. Housing will be provided within the central and southern part of the allocation with commercial uses to the north which also make effective use of the Listed Buildings.
- 5.5 With regards to Fairview Flats, this part of the application site lies within the settlement limits of Leeming Bar and comprises brownfield land which is to be redeveloped for modern residential dwellings which include a mix of affordable dwellings and is therefore acceptable in principle.
- 5.6 The remaining parcel of land lies outside, but adjacent to the settlement limits of Leeming Bar, comprises open countryside. Policy CP9A (Affordable Housing Exceptions) and Policy DP9 (Development outside Development Limits) are therefore relevant considerations.
- 5.7 The development proposal seeks permission for 82 dwellings of which 32 units are to be affordable, and therefore the scheme as a whole will deliver 40% affordable housing. The "Affordable Housing Exceptions" policy supports the development of 100% affordable housing schemes on sites outside, but adjacent to, the settlement limits of Service Centres and Villages where there is a local need. If this policy were to be rigidly applied to the greenfield element of the application site, the overall site would have to deliver in excess of 40% affordable housing.
- 5.8 In relation to the allocated part of the site, Policy BM4 sets a target of 40% affordable housing, which will be delivered across the whole site, including the unallocated brownfield and greenfield parcels of land. The Applicant presents that delivery of 40% affordable housing across the site would not be viable without the inclusion of greenfield land given market conditions, as evidenced by a recent appeal decision relating to the allocated part of the site. The Applicant's viewpoint is supported by a "Viability Appraisal" which is being scrutinised by the District Valuer whose findings are awaited. Nonetheless, the appeal decisions referenced by the Applicant do add significant weight to the decision making process.
- 5.9 Two appeals (planning ref: 2127485 and Listed Building ref: 2127519) were dismissed on 3 December 2010 on the John H Gill and Son site, 1 Leeming Bar. The proposal sought permission for the conversion of existing buildings to form 12 flats and 11 dwellings and the construction of 11 new build dwellings and 5 new build flats (39 properties in total) with no affordable housing to be provided. The appeal site related to a 0.67 hectare site, with the BM4 mixed use allocation extending to 1.9 hectares, of which 1.25 hectares was to be developed for housing. The issue of viability and the delivery of affordable housing was a significant issue considered as part of the appeal.
- 5.10 Paragraph 20 of the Inspector's decision letter states that it is "common ground" the appeal proposal was not viable, even if the Council waived the requirement for affordable housing.
- 5.11 The Inspector also gave specific consideration to the comprehensive redevelopment of the site including the commercial element of the allocation. A scheme layout was prepared by a consultant architect for the Council which would provide 59 dwellings, 256 sqm of retail and 256 sqm of commercial floorspace (new build and conversion). The Inspector concluded that a mixed use scheme could be financially viable whilst then concluding at paragraph 28 that there is no reasonable prospect in the foreseeable future of a scheme for the BM4 site meeting the aspirations of the Council in relation to the provision of 40% affordable housing and contributing to the

other community facilities that are sought in the policy, i.e. “developing the heart” to Leeming Bar.

- 5.12 In light of the Inspector's findings, the Applicant has submitted a comprehensive scheme that includes additional greenfield land and the Elm Tree Farm element of the allocation site in an effort to deliver 40% affordable housing across the whole site and deliver the wider community benefits required by allocation BM4.
- 5.13 The scheme will not deliver 100% affordable housing on the greenfield element of the site but it will facilitate the delivery of 32 affordable dwellings, which the Applicant argues would not otherwise be possible. Whilst the proposal does not therefore strictly comply with Core Strategy Policy CP9A it does deliver the aspirations for this particular site. Deliverability is a material consideration which could outweigh the conflict with Policy CP9A.
- 5.14 The previous appeal decision concludes the development of only the allocated site could not viably deliver any affordable housing particularly as there are abnormal costs associated with the ground conditions of the site and the additional costs of converting the Listed Building. The inclusion of additional greenfield land improves the viability of the scheme to facilitate the delivery of the target level of affordable housing set out in Policy BM4, as well as 40% on the brownfield unallocated element of the site and the additional greenfield area along with commercial floorspace. The Applicant argues that without this land, it would not be viable to deliver any affordable housing. The proposal accords with the general provisions of Core Strategy Policy CP4 in that it will deliver a housing development that is of an appropriate nature and scale and assist in improving the overall sustainability of the settlement.
- 5.15 The Applicants have devised a scheme that will deliver allocation BM4's main objective of “developing a heart” to Leeming Bar and creating “an improved centre”. The development will create a vibrant mixed use development incorporating housing, retail and office development and public realm. The proposed application will unlock the site's potential and secure a viable use for the Listed Buildings in addition to delivering 32 affordable dwellings.
- 5.16 The site is allocated for development within Phase 2 (2016-2021); however a strong case exists for bringing the site forward within Phase 1 (up to 2016) in order to secure the implementation of the development. The proposed development represents a complex picture of multiple landowners and developers which have agreed to work together in the interests of delivering a scheme that will benefit the wider community. This development is deliverable now but there are no guarantees that the site will be deliverable in the future. The Inspector's decision gave a clear steer that viability is extremely tight and that only an imaginative and cooperative solution would achieve the requirements of BM4. Therefore, early release of this site is supported in the interests of deliverability.
- 5.17 In terms of housing mix, The Housing Needs Study 2004 updated by the Housing Market Demand Study 2008 indicated that there was demand for all types of housing in the Bedale Sub-Area. However, in the Bedale Sub Area villages, a high demand was identified for one and four bedroom homes, and also flats.
- 5.18 The application makes provision for 6no two-bed apartments, 31no two-bed dwellings, 31no three-bed dwellings and 14no four-bedroom dwellings in a range of terrace, semi-detached and detached styles. Consequently, the proposed development addressed the housing need for a range of 2, 3 and 4 bedroom dwellings along with the specific local demand for apartments.
- 5.19 In light of the above considerations, and subject to the findings of the District Valuer, the scheme is considered to be acceptable in principle for early delivery within Phase 1 of the Allocations DPD.

Design & Density

- 5.20 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be 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.
- 5.21 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.22 The design and layout of the proposed scheme will achieve the Council’s aim of developing a heart to Leeming Bar, whilst respecting the character and setting of the existing Grade II Listed Buildings. An area of open space at the north western extent of the site will provide a green setting to the junction of Northallerton Road and Leeming Lane. The Listed Building is to be retained and enhanced to provide commercial floorspace for local businesses. In addition, a small convenience store is proposed which will sit behind the area of public open space and provide a sustainable key local facility for local residents both for the new development and importantly residents already living in Leeming Bar.
- 5.23 The proposed scheme is considered to be of good design in accordance with the principles of Policy DP32 and the NPPF. The design reflects the traditional vernacular of Leeming Bar but meets modern aspirations whilst sufficient car parking and private amenity space are to be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme that will enhance Leeming Bar’s built environment.
- 5.24 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.
- 5.25 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for a site involves developing an understanding of the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.26 The application site covers around 3.1ha of land and will result in a development of approximately 37 dwellings per hectare. Whilst this figure is slightly lower than the 40dph policy expectation, achieving high quality design on a site that forms the “heart” of Leeming Bar must be the overriding objective. The slightly lower density allows for high quality, spacious housing with adequate car parking provision. Consequently, the proposed development is considered to be in accordance with Policy DP32 of the Hambleton Local Development Framework.

Protecting Amenity

- 5.27 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.

- 5.28 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.29 The original layout failed to comply with the Council's indicative separation distances, particularly in terms of the impact on 11 Leeming Lane. Amended plans have been submitted which increase separation distances in order to comply with the Council's standards.
- 5.30 In addition, the revised layout now achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Noise

- 5.31 Policy DP44 states that 'Noise sensitive development will not be permitted in areas where potential for harmful noise is known to exist.'
- 5.32 A noise impact assessment has been prepared by PDA Ltd has been submitted in support of the application. The assessment concludes that areas within the development fall within Noise Exposure Category C and that developments falling within this category are suitable for residential development provided that adequate acoustic attenuation is provided to habitable areas. Mitigation measures are proposed to provide increased performance specification to the acoustic weak points, namely the glazing and ventilation.
- 5.33 The comments of the Council's Environmental Health Officer are awaited.

Sustainable Construction

- 5.34 Policy DP34 of the LDF 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.
- 5.35 The Design and Access Statement addresses sustainability issues and advises that the development will target a Code for Sustainable Homes rating of Level 3 and therefore the design specifically includes for use of ecologically accredited products, super-insulation to achieve improved thermal performance and dual flush toilets. To that end, the principles of sustainable energy have been addressed and complied with in line with the general requirements of Policy DP34.

Drainage & Flood Risk

- 5.36 Several local residents have expressed concern about the increased flooding risk to neighbouring properties as a result of the development.
- 5.37 The explanatory text to allocation BM4 states that "developer contributions may be required to upgrade Leeming Bar Waste Water Treatment Works" and that a "drainage and sewerage report and any required capacity works will need to take

place prior to the development of this site. The developer will undertake these in liaison and agreement with the relevant organisations, such as Yorkshire Water.”

- 5.38 To this end, a “Flood Risk and Surface Water Management Strategy” produced by iD Civils has been submitted as part of the application.
- 5.39 The survey identifies that the existing site does not contribute towards the surface water flooding at the crossroads within Leeming Bar; instead defects in the pipework have reduced the capacity of the existing drainage system resulting in localised flooding at times of heavy rainfall. The proposed surface water system and will operate independently from the existing system by discharge into the watercourse to the east.
- 5.40 The treatment works can suffer from problems during heavy rainfall due to the inundation of surface water into the combined system. The Fairview Flats catchment will be removed from the combined sewer, and therefore there will be a net benefit through development of the site.
- 5.41 The Survey also concludes that foul water from the development can discharge to the existing public foul sewer crossing the site. The total flow from the new development is anticipated to be around 4.4 litres per second based on “Sewers for Adoption” criteria of 4,000 litres per dwelling per day. The anticipated flow rate is less than the maximum flow rate for the existing site and therefore it is anticipated that there should be no improvements to the Waste Water Treatment Works.
- 5.42 Subject to the outstanding consultation response from Yorkshire Water, it is recommended that a pre-commencement conditions be imposed to secure a scheme of surface and foul water drainage within the site

Highway Safety & Car Parking

- 5.43 Two vehicular accesses are to be provided into the site. The main access will be off Northallerton Road which will provide access to the residential dwellings as well as commercial floorspace contained within the Listed Building. A separate access is provided off Leeming Lane which will serve the proposed retail unit, the small workshop / studio and six affordable housing units.
- 5.44 Concerns have been raised by local residents about the safety of the proposed access arrangements. The comments of the Local Highway Authority are awaited.
- 5.45 Car parking provision is 2 spaces per dwelling and 1 spaces or 1.5 spaces for apartments depending upon the size and position of the unit. The proposed commercial floorspace will be served by 53 parking spaces and communal services yards. This level of provision is considered to be acceptable.

Ecology

- 5.46 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’.
- 5.47 An Extended Phase 1 Habitat Survey produced by WSP has been submitted with the application. This Survey concludes that the site has a suitable habitat for badgers and breeding birds but that no direct or indirect evidence of badgers was found on site and that whilst the site has a suitable habitat for breeding birds the proposals are only likely to have a temporary and reversible negative impact on their habitat. With appropriately timed works (i.e. vegetation clearance undertaken between September and February) no nesting nests or eggs will be damaged or destroyed.

- 5.48 The site was also found to be a suitable habitat for roosting and foraging bats. The survey recommends that a minimum of two activity surveys are undertaken to determine to what extent the site is currently used by bats.
- 5.49 Following the results of the bat activity surveys it is anticipated that buildings identified as low or negligible potential to support roosting bats could be removed in late Autumn 2011 or early Spring 2012 reducing the scope of emergence surveys which would then be undertaken in May, June or July 2012.
- 5.50 Following recommendations made in the extended Phase 1 habitat plan, two nocturnal emergence surveys of the stone barn and derelict cottage were undertaken as well as bat activity surveys to assess the current level of activity across the whole site
- 5.51 Two individual buildings, the standalone stone barn and the derelict cottage, were highlighted in the external assessment as having high and moderate potential to support roosting bats respectively.
- 5.52 Two species of bat were recorded on site; common and soprano pipistrelle. A commuting route was identified from the stone barn down the farm access road (between two properties) onto Leeming Lane and over the road to the park opposite with bats foraging at either end of the corridor. However, very little bat activity was observed elsewhere across site.
- 5.53 Owing to the number of bats observed emerging from the standalone stone barn, WSP recommend that a bat mitigation licence would need to be sought from Natural England if development proposals involve works to this barn which could affect potential bat roosting.
- 5.54 While no direct evidence of roosting bats has been observed in the derelict cottage the building still has moderate potential to support roosting bats. Therefore the following recommendation should be followed:
- The derelict cottage should be demolished under supervision of an ecological clerk of works and Natural England bat licence holder. Although the presence of bats is unlikely soft stripping of the building is a precautionary measure to keep within the law. In the unlikely event that bats are found works would need to stop and Natural England consulted. The optimal time for undertaking this process is November 2011 or February 2012.
 - The roof and ridge tiles should be removed by hand so that any potentially present bats can be removed prior to full demolition.
- 5.55 In light of the above findings, it is recommended that a condition be imposed ensure that the recommendations of the “Extended Phase 1 Habitat Survey” and “Bat Emergence & Activity Surveys” are followed.

Cultural Heritage

- 5.56 Policy DP28 of the Development Policies DPD provides that development within or affecting a listed building should seek to preserve or enhance all aspects that contribute to its character and appearance. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration.
- 5.57 Paragraph 128 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”

- 5.58 To this end, a “Building Survey” produced by *On Site Archaeology Ltd* has been submitted with the application. This document provides a detailed record of the building’s history and current physical condition, however insufficient information has been provided concerning the proposed works to the listed building. Consequently, the Council’s Historic Building Officer has requested a schedule of all works to be carried out to the listed buildings to also include details of the treatment of any windows to be maintained or altered and works to the roof in particular.
- 5.59 The comments of English Heritage are awaited.

Infrastructure

- 5.60 Many local residents have raised concerns about the impact on existing and planned services, including: post, rubbish collection, dental care, hospitals, policing etc. Consultation was undertaken with a broad range of service providers during the Allocations process and no in principle objections were received from service providers.
- 5.61 Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary approach to service delivery rather than a pro-active response and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community.

Public Open Space

- 5.62 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. Contributions will be dependent on increased demand resulting from the development.
- 5.63 A large area of public open space measuring approximately 1,700sqm has been incorporated on the eastern boundary of the site adjacent to open countryside. This space is large enough to accommodate an equipped play area and informal kick-about area, although no firm proposals have been submitted. A second area of public open space measuring 800 sqm is located adjacent to the existing roundabout, opposite Simply Dutch. This space will function as a village square. An open space works scheme will be secured via a s.106 agreement.
- 5.64 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Bedale sub-area. A contribution of £245,879.80 is required in accordance with this policy.

Affordable Housing & Viability

- 5.65 Policy CP9 specifies that housing developments of 15 dwellings or more within Leeming Bar should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market, although the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision. This policy stance is reinforced by allocation BM4 which also sets a target of 40% affordable dwellings, subject to viability.
- 5.66 As identified within paragraph 5.8 of this report, the Applicant claims that delivery of 40% affordable housing across the site would not be viable without the inclusion of greenfield land given market conditions, as evidenced by a recent appeal decision relating to the allocated part of the site. The Applicant’s viewpoint is supported by a

“Viability Appraisal” which is being scrutinised by the District Valuer whose findings are awaited.

- 5.67 The Council's Housing Services Manager is currently in discussion with the Applicant concerning the type and tenure of affordable housing.
- 5.68 In addition to delivering affordable housing and public open space, allocation BM4 identifies a need for a contribution of £164,009 from the developer towards the Bedale Footpath & Cycleway Scheme.

6.0 SUMMARY

- 6.1 The proposed scheme will deliver allocation BM4's main place making objective of “developing a heart” for Leeming Bar. The development will create a vibrant mixed use development incorporating housing, retail and office development and public realm. The proposed application will unlock the site's potential and secure a viable use for the Listed Buildings in addition to delivering 33 affordable dwellings.
- 6.2 The site is allocated for development within Phase 2 (2016-2021); however a strong case exists for bringing the site forward within Phase 1 (up to 2016).
- 6.3 The Applicant argues that delivery of 40% affordable housing across the site would not be viable without the inclusion of additional greenfield land. The Applicant's viewpoint is supported by a “Viability Appraisal” which is being scrutinised by the District Valuer whose findings are awaited.
- 6.4 Key consultation responses are also awaited from the Local Highway Authority, Yorkshire Water and English Heritage.

7.0 RECOMMENDATION

It is recommended that the application be **DEFERRED** because some important consultation responses have not yet been received. However, in the event that Members wish to support the proposal, the following conditions are recommended to be attached to any approval:

1. Commencement

The development hereby permitted shall be begun within five years of the date of this permission.

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered (to be confirmed) received by Hambleton District Council and (to be confirmed) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

3. Materials

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in

writing by the Local Planning Authority prior to the commencement of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

4. Boundary Treatments

The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

5. Boundary Treatment Construction

No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

6. Permitted Development Rights Removed – Boundary Treatment

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

Reason: In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

7. Landscaping Scheme

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

8. Secured By Design

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

9. Levels

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

10. Surface Water Drainage

The development hereby approved shall not be commenced until details of surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

11. Foul Drainage Scheme

The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

12. Archaeology

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority.

Reason: The site is of archaeological interest.

13. Habitat Management & Enhancement Plan

Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a

programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

14. HIGHWAYS CONDITIONS TO BE ADDED

3.

12/01209/FUL

Construction of 48 dwellings with associated garages, parking and landscaping at E Ward & Son, Ward Trailers, York Road, Easingwold for Persimmon Homes (Yorkshire) Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 48 dwellings with associated garages, parking and landscaping at the former Ward Trailers site on the southern fringe of Easingwold. This will deliver a development of approximately 32 dwellings per hectare. 24 dwellings (50%) are identified for affordable use, the balance of 24 dwellings for private residential use. The precise tenure split and position of the affordable units has yet to be agreed.
- 1.2 The proposed dwellings are all two storeys in height. The proposed accommodation will provide a mix of 2, 3 and 4 bedroom dwellings. No apartments or bungalows are proposed.
- 1.3 The majority of dwellings will be constructed using red-multi and buff-multi brickwork. Pantiles and concrete tiles will be used throughout. Architectural detailing is relatively simple and includes: brick detail to the eaves, contrasting brick band courses and sash-style windows. All dwellings have private amenity space in the form of rear gardens. A total of 61 car parking spaces (excluding garages) are proposed which equates to 1.27 spaces per dwelling.
- 1.4 A large area of public open space measuring approximately 1,600sqm has been incorporated close to the north-western boundary of the site adjacent to Easingwold School. This space is large enough to accommodate an equipped play area and informal kick-about area, although no firm proposals have been submitted.
- 1.5 Private defensible spaces will be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 1.6 The site is to have a single access point from York Road for both pedestrians and vehicles. The size of the road diminishes as the number of units served is reduced with groups of three, four and five properties being served off private drives.
- 1.7 The site covers an area of 1.5ha and is currently occupied by derelict high-bay industrial units that have fallen into a state of disrepair since cessation of the manufacturing use. The westernmost part of the site is occupied by scrubland with a tree/shrub boundary along the northern edge. The site is relatively flat with only nominal gradients and changes in height across the site, although a significant proportion is hard surfaced. The existing access is achieved from York Road in the north east corner of the site.
- 1.9 The site is located on the southern edge of Easingwold, immediately to the west of York Road. Adjoining to the north is Easingwold Secondary School whilst the land to the south and west is occupied by farm land. The land to the east of the site on the opposite side of York Road also has planning permission for residential development.

- 1.10 The application site is allocated for housing, EH1 Ward Trailers, for early release in Phase 2 (2016-2021), subject to:-
- i) development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 50% should be affordable);
 - ii) housing types meeting the latest evidence on local needs;
 - iii) contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
 - iv) contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle/footpath links to other existing or proposed footpaths/cycleways and, if required, drainage and sewerage infrastructure;
 - v) securing any necessary improvements to the existing drainage system or providing appropriate and suitable alternative drainage methods;
 - vi) significant landscaping along the northern, southern and eastern boundaries of the site; and
 - vii) appropriate measures being taken to deal with any contamination relating to the previous use.

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity

DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EH1 – Ward Trailers, York Road, Easingwold (1.5ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 ETC do not support an earlier start date than originally phased; Phase 2 (2016-2021). It is essential that simultaneous building with the Redrow development is avoided due to the close proximity to the school and York Road.
- 4.2 Concerned at the lack of parking for the 2 bedroom dwellings, the “Morden & Moseley” notably and generally concerned at the lack of parking provision. Would like to see the POS reduced in size to create more parking.
- 4.3 Dwellings are too close together creating an unattractive view of wall to wall development on the west side. This is considered unsuitable in open countryside.
- 4.4 Wish to see some bungalows in the development
- 4.5 Wish to see a reasonable percentage of affordable housing on the site.

NYCC Highways

- 4.6 Comments awaited.

NYCC Education

- 4.7 Require a developer contribution of £108,768 towards the anticipated need for new school places.

HDC Leisure Services Officer

- 4.8 Policy DP37 recommends that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in Easingwold.
- 4.9 There is no other accessible public open space in the vicinity which strengthens the case for POS being provided on site. Even with some provision on the Redrow site, children would have to cross York Road which is a very busy and wide road to cross.
- 4.10 Would like confirmation concerning whether or not the POS will include play equipment and who will manage the site.

HDC Environmental Health Officer

- 4.11 The east of the site is adjacent to York Road, which, at that location has a 40mph speed limit. It is understood that the speed limit is unrestricted at a point 183m south of the site access. As a consequence the traffic in the vicinity of the development site is faster than a typical urban 30mph road. A short period sound level reading taken at a point 5m from the carriageway in the afternoon has confirmed that the noise levels from the traffic is elevated at the site boundary. Recommend that a condition is attached requiring a noise assessment and details of any noise mitigation measures.
- 4.12 Recommend that a condition is attached requiring the submission and approval of a detailed land contamination remediation strategy.

Yorkshire Water

- 4.13 YWS has no objection in principle subject to drainage conditions being imposed.
- 4.14 Foul water domestic waste should discharge to the public foul/combined water sewer recorded nearby in York Road. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second.
- 4.15 The local public sewer network does not have the capacity to accept any discharge of surface water from the proposal site. It is noted that the submitted Flood Risk Assessment for this site (prepared by Alan Wood & Partners - Report CJM/CC/HW/26577 Rp002 revA dated 28/05/2012) shows surface water discharge to either soakaway and /or watercourse, via storage, with a restricted discharge. No objection is raised by Yorkshire Water to this arrangement.

Environment Agency

- 4.16 We have no objections to the proposed development as submitted. It appears that the proposals for surface water disposal from this site involve discharge into the drainage system of the Kyle and Upper Ouse Internal Drainage Board (IDB). Therefore, it is appropriate for the IDB to specify the required discharge and storage requirements. We understand the Board have been consulted on this application.
- 4.17 The Agency support the principles outlined in the submitted FRA by Alan Wood & Partners (ref: CJM/CC/HW/26577-Rp002-Rev A) that discharge and storage should be restricted to take account of climate change (a 30% anticipated increase in rainfall intensity over the development lifetime). However, as indicated above, the IDB may have specific requirements.

Kyle & Upper Ouse Internal Drainage Board

- 4.18 The Applicant has been advised that consent will be required under Kyle & Upper Ouse Internal Drainage Board Byelaw 3, which controls the introduction of water and increase in flow or volume of water into the Alne Beck, which is an adopted watercourse of the Board.
- 4.19 The condition of the consent will be that the impact on the Alne Beck be investigated in more detail. This should consider the existing risk to land and property from Alne Beck and the effect of the additional discharge. The study could be extended to investigate whether a discharge greater than the greenfield runoff could be accommodated without detriment. Consent will not be granted until the study has been completed and approved by the Board.
- 4.20 Therefore, the Board objects to the proposal until this investigation has been completed and approved by the Board.

Police Architectural Liaison Officer

- 4.21 Recommendation 1 – the fence to the south should be 1.8m high and be of robust construction. The fencing to the east side of the site which is the front, albeit only 1m high should be of a defensible nature so access to the buildings and vehicles along the front of this estate cannot be gained by stepping over whatever will be decided for the frontage. Prickly type planting reinforced by fencing would be good. Then access into this site from York Road must be through the main entrance roadway.
- 4.22 Recommendation 2 - that overspill parking provision be allowed on specific plots where the residents can see their parked vehicles by reducing the generous Public Open Space and re-designing the estate.

Network Rail

- 4.23 No observations.

Publicity

- 4.24 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expires on 18th October 2012. No representations have been received to date.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The application site is allocated for housing (EH1 - Ward Trailers) for early release in Phase 2 (2016-2021), subject to subject to the provisions detailed within paragraph 1.10 of this report.
- 5.3 The accompanying planning statement seeks to advance a case for early release based on the lack of a 5 year land supply.
- 5.4 The current 5 year land supply target for the District is 1,450. This equates to 1,523 with a 5% buffer and 1,740 with a 20% buffer.
- 5.5 The Council expect 1,127 units to be delivered from Phase 1 sites and planning permission has been granted for 90 units on the BH4 (Aiskew Abattoir) Phase 2 site

and another 561 outstanding permissions exist. This totals 1778 units and therefore, District wide there is a 5 year land supply plus a 22.5% buffer.

- 5.6 The LDF covers the whole District and therefore the district wide figures are the most important. In terms of housing numbers and a 5 year supply, the Applicant's case is not supported. However it is also appropriate to give some weight to the sub area statistics given that the LDF strategy is based around the 5 sub areas.
- 5.7 NPPF advises there should be a housing supply of the LDF target plus 5%. In the NPPF there is only a requirement for a 5 year supply plus 20% if there is evidence of "persistent under delivery". The latest trajectory for the Easingwold Sub Area does not show persistent under delivery in the previous 5 years.
- 5.8 At an Easingwold Sub Area level, the LDF target is 203 units for 5 years. There is a supply in Easingwold area of 167 units which equates to a 4.1 year (82%) supply comprised of allocations and outstanding permissions. An additional 46 units would be needed to take the total supply to 213 units meet the 5 year supply and the additional 5% target
- 5.09 EH1 allocation specifically refers to Ward Trailers coming forward early in Phase 2, which could be 2016.
- 5.10 If Redrow's development on allocation site EM1 proceeds to schedule, at 30 dwellings per annum, then for 2015/2016 supply in the Easingwold sub area would be reliant on other permissions and windfalls, with no allocations coming through. In order to ensure a planned supply and facilitate choice and competition, it would be reasonable to grant Ward Trailers now, restricting delivery to the end of Phase 1; with 50% in 2014/2015 and 50% in 2015/2016.
- 5.11 By allowing the 48 units on Ward trailers prior to 2016 there would be a supply of 215 units in the sub area which is a 5.3 year land supply. Early release of the site would correct the sub-area shortfall and would be unlikely to result in any significant adverse impacts for the LDF.
- 5.12 Consequently, developing the site for new housing within Phase 1 is considered to be acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific matters concerning design and access.
- 5.13 The proposal shows 50% of the dwellings to be affordable units, 20 x 2 bed and 4 x 3 bed units. This is compliant with the requirements of the Policy CP9 which requires that proportion of affordable housing in the Service Centre and hinterland of Easingwold is 50% of the total number of dwellings. The scheme is therefore also compliant with the requirement of Allocation DPD Policy EH1.
- 5.14 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be 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.
- 5.15 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.16 Paragraph 62 of the NPPF states that "Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for

a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”

- 5.17 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, Officers have critiqued the design aspects of the application without the added benefit of third party scrutiny. Officers made the following criticisms of the original submission:-
- 1) The proposed development is situated on a key gateway site to Easingwold and therefore delivering a high quality design is essential. The current proposal is considered to be out-of-character with Easingwold. It is not locally distinctive and appears to be a standard Persimmon product.
 - 2) Recommend that the design philosophy is reconsidered. The Design and Access Statement contains a lot of rhetoric and jargon. It fails to explain why the specific house types have been chosen and how these reflect the character of Easingwold. It would be helpful to undertake an architectural appraisal of Easingwold which directly informs the site layout and external appearance of the dwellings.
 - 3) The submitted housetypes are considered to be poorly designed.
 - 4) The proposed housetypes should incorporate local characteristics, such as chimneys, stone heads and cills, bay windows, stone copings and kneelers.
 - 5) Explain how the proposed housing mix reflects local housing need? The Allocations DPD suggests that some bungalows should be included in the scheme.
 - 6) Relocate access to the site northwards to the north eastern corner of the site – enabling a prominent, strong frontage to be retained to York Road with green space at the entry point.
 - 7) Maximise the north / south orientation of proposed dwellings to maximise the benefits of solar gain on the site – this is also something which could be incorporated into the design of the dwellings proposed, rather than just the standard house type format (e.g. larger glazed areas to south facing elevations).
 - 8) The on-site public open space could be slightly reduced to improve space across the development as a whole. The public open space area as identified in the current proposal could be redistributed and relocated to a more central position within the site, creating a central green which will positively impact on a larger number of the proposed dwellings and arguably a more attractive development.
 - 9) Minimising the likelihood of street clutter through the removal of on-street parking: Residential parking could be located to the rear of the proposed dwellings, accessed by lanes through the frontage of the properties to parking courts or dedicated garages. Visitor parking could be accommodated in parallel parking bays around the central green (off-street) – this will provide for a more organised street scene rather than cluttered on-street parking experienced in many new developments.
 - 10) Possible one-way traffic management of the highway around the central green and a change in highway width and surface treatment in that area will help to reduce traffic speeds as well as provide a change in the character of the development.

- 11) The journey into the site should provide a sense of arrival at the central green and this can be accentuated by the positioning of the proposed dwellings in such a way as to provide closed views along the approach which then opens out to the central green.
- 12) The landscaping buffer along the southern boundary of the site should be retained as well as on the northern site boundary closest to the adjacent school buildings. The existing landscape belt along the northern boundary should be retained and enhanced, if necessary. Landscaping and planting around a village green or central open space would also provide character and a sense of place as it matures.
- 13) The site layout to achieve a minimum of 2 car parking spaces per dwelling (excluding garages).
- 14) Affordable housing should be pepper-potted throughout the site.

6.0 SUMMARY

- 6.1 The application site is allocated for housing (EH1 - Ward Trailers) for early release in Phase 2 (2016-2021). The accompanying planning statement seeks to advance a case for early release based on the lack of a 5 year land supply. In terms of housing numbers and a 5 year supply, the Applicant's case is not supported. Having regard to the Easingwold sub area there is a case for allowing this site in order to ensure that both the NPPF "+5%" target is met and also (through the use of appropriate conditions to manage release) that a planned supply is maintained throughout the LDF Phase 1. Early release in this way would be unlikely to result in any significant adverse impacts for the LDF.
- 6.2 The proposal is in general accord with the requirements of Policy EH1 in respect of housing numbers, density and proportion of affordable housing. Details of contributions towards off-site footway/cycleway links, education and Public Open Space are yet to be defined.
- 6.3 The proposed development is situated on a key gateway site to Easingwold and therefore delivering a high quality design is essential. The current proposal is considered to be out-of-character with Easingwold.
- 6.4 The Applicant has confirmed that an amended scheme is being drafted and will be submitted to the Council within the next few weeks, following which a further period of consultation with neighbours and consultees will take place.
- 6.5 The comments of the Local Highway Authority are awaited.

7.0 RECOMMENDATION

- 7.1 Recommend that the application be DEFERRED to allow for outstanding consultation responses to be received, to receive clarification on contributions identified in paragraph 6.2 above and for design improvements to be made to the proposal.

4.

12/01407/FUL

**Change of use of agricultural land for the siting of 16 holiday lodges with associated access, footpaths, car parking and landscaping.
at Part OS Field 8871 Easingwold North Yorkshire
for Ms J M Grant & Ms P A McDonnell.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site, which covers an area of land of approximately 4ha, lies 1.4km from the southern edge of the town and immediately to the east of the A19. The site is accessed 50m north of the A19 roundabout that lies at the southern end of the town's bypass.

1.2 The land was previously used as a brickworks and clay pit but this has long since ceased and the land reverted to unmanaged woodland. An area within the site has been cleared in recent years in an attempt to introduce woodland management at the site. Part of the site is wet with standing water and part of the site is planted with short rotation willow coppice.

1.3 It is proposed to site a total of 16 lodges within the boundary of the site to be occupied as holiday accommodation for year round occupancy. The units are proposed in three groups 'pods' served from a central spine road (concrete asphalt). Three tracks (self binding gravel) lead to the lodges although parking for the units remains on the spine road with a total of 22 spaces divided into four separate blocks.

1.4 No further clearance of the woodland is required around the edge of the site and additional planting is proposed. This includes native trees and shrubs planted as part of the layout of the lodges to separate the three pods. Two pond features are proposed at the south western corner of the site with footpath routes amongst woodland.

1.5 The units, which are identical, are chassis mounted mobile lodges and fall within the definition of a caravan for the purposes of planning. The dimensions of the proposed units are 15m x 6.5m with a ridge height of 5m. The accommodation includes three bedrooms, one with ensuite, a bathroom and a lounge/dining/kitchen area with concertina glazing opening at the front. The walls are to be boarded in cedar or larch timber with options for roof coverings including profile sheeting, pantiles or green roofs. Sustainably sourced materials are proposed and the units will use features such as grey water recycling, automated electrical cut off, high standards of insulation and biomass heating systems.

1.6 It is proposed to employ 3 part-time staff as part of the business.

1.7 Non mains drainage is proposed for the units, which are to be served by a Klargestar package treatment plant to be sited within the application site boundary.

1.8 A footpath route is proposed across land within the applicants' ownership from the proposed holiday lodges to York Road, approximately 300m to the south of the town. The route follows the line of Shires Beck and then crosses fields to reach the lay by to the south of the town and the route of an existing public right of way.

1.9 There is no reception building proposed as part of this application. An existing brick 'utilities' building is to be retained on site but it does not form a proposal as part of this application.

2.0 PLANNING HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP42 - Hazardous and environmentally sensitive operations
National Planning Policy Framework - published 27 March 2012
Good Practice Guide on Planning for Tourism - May 2006

4.0 CONSULTATIONS

4.1 Town Council – wish to see the application approved but express concern at the entrance/egress to the site being in such close proximity to the A19 roundabout. The provision of a footpath to Easingwold is welcome; Easingwold TC wish to see it positioned adjacent to York Road so that it is available for the safe use by visitors to the lodges and the residents in the community.

4.2 NYCC Highways Dept – no objections subject to a condition requiring the access, parking and turning to be provided in accordance with the plans.

4.3 Yorkshire Water – no objections

4.4 Environment Agency - we note that a non-mains solution is proposed for managing foul drainage from the proposed development. Our information suggests that the water environment in this area is of low sensitivity. For this reason we do not wish to make detailed comments in this instance.

The site lies within Flood Zone 1. (The EA's flood risk standing advice recommends a sustainable drainage system approach so that flood risk on site or elsewhere is not increased.)

4.5 Kyle & Upper Ouse IDB – the site is bordered on the southern boundary by the Board maintained watercourse known as Shires Beck. A 7m maintenance strip will be required alongside the watercourse and also there should be no increased surface water discharge into the watercourse.

4.6 Natural England – the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is expected that the LPA assess and consider possible impacts resulting from this proposal on protected species, local wildlife sites, biodiversity enhancements and local landscape

4.7 Environmental Health Scientific Officer - the proposed development is situated on land with a previous history of industrial use. A search of the historical records suggests that from the 1850's to approximated 1900 the proposed development area was used for clay extraction used in brick making processes. Over the last one hundred years this area was then filled in with an unknown fill material. The development will bring more sensitive end users onto the site who could be spending significant amounts of time there. For this reason further information is required before a decision can be made regarding the risks posed by the development.

The proposal makes reference to heating in the cabins through the use of a biomass boiler but no further details are included with the application. The number of boilers it is proposed to install needs to be clarified together with their location. Such systems have the potential to produce smoke and odour resulting in a loss of amenity to nearby residents as well as exposing them to harmful emissions. For this reason further information is needed on the proposed system. Conditions are recommended.

4.8 Site notice/local residents – correspondence has been received from 3 nearby properties including the Cabinet Office (as a neighbour at Hawkhill Emergency Planning College), which are summarised as follows:

1. we would not wish this development to proceed without the reassurance of a comprehensive environmental and drainage impact assessment by the Environment Agency and the Kyle and Upper Ouse Internal Drainage Board. There is a risk of development works impacting on the ponds and swamp areas within the copse and its water retaining capacity and thereby on drainage patterns to and in the Hawkhill Beck;
2. we would wish to see an environmental risk assessment for the proposed Klargester plant and its local installation in relation to Hawkhill Beck;
3. we wish to secure undertakings from the developer of the maintenance of the screening trees between the development and the Hawkhill Estate. Currently these trees are willows planted for biomass field purposes. Their long term suitability as a screening medium is questionable;
4. there is no effective present or enduring constraint to prevent the developer from clearing the screening trees in order to improve views and sunlight to the cabins on the south side of the site. Any failure to provide effective screening would expose the anomalous cabins and directly impact the visual integrity of the Hawkhill Estate, which forms a significant part of its attractiveness as a business and event venue;
5. The proposed site of this development would be less than 300m from our house. It is even nearer to one other set of neighbours. We bought our property on the basis of the peace and quiet that it gave us. The arrival of c60 extra people (if the scheme were to be a success) as well as dogs and other pets to the area would change that environment of peace and quiet irrevocably;
6. The consultant's report shows no reference to the clear flooding of surrounding fields that has happened during the winter thaws and the summer rains of the last few years. Creating a holiday park with tarmac roads and all the other associated changes to the landscape will move that flooding further into neighbouring fields, affecting livestock and crops;
7. the "peace and tranquillity of the area" referred to in the various documents would not be true for anyone renting or buying the lodges. How could it be with an endless volume of traffic 24 hours a day accelerating away or slowing down on arrival at the roundabout? The lodges will be no more than 50 metres from the road;
8. the proposed junction onto the road leading into Easingwold would clearly be a danger for cars leaving the site. Vehicles that have turned off the A19 would be accelerating to c40 mph as they headed into Easingwold and could meet those leaving the site and turning right. Crashes of vehicles are inevitable. The use of bicycles is also prevalent on holiday lodge sites; the inevitability of incidents between vehicles and bicycles is also very high;
9. Our concern is that this scheme could become a "white elephant" with all the good intentions of the planning consultant reports but that, in reality, there would be little or no take up from potential buyers or of those renting the lodges;

10. the reality that it is a development proposed on an area likely to flood, next to a very busy road and in an economy which would suggest it will have little chance of financial success;
11. we would have no issue with the site being returned to full agricultural use and the permission granted to make the site more appropriate to modern day agricultural requirements. This would need to be subject to the required flood risks being looked at in detail and the relevant wildlife authorities being happy with re-siting of badger sets and other wildlife affected;
12. This site is already identified as a swamp by the owners. If this site were to be drained we would be likely to be flooded by the excess water which has to go somewhere. Our land joins on to the site and is used for sheep rearing;
13. From the York to Easingwold exit, the entrance to this site is “blind”;
14. Has any detailed investigation been carried out into this site which is long established woodland and water bog land, as to what wildlife is using this habitation which would inevitably be destroyed by this development?
15. We are likely to have up to 60 holiday makers including children and dogs next to our garden. Will we be subject to trespass? Will our garden look like an extension to the site by said holiday makers?

5.0 OBSERVATIONS

5.1 The issues to be considered include the sustainability of the site’s location for the proposed development; the effect of the development on the character and appearance of the surrounding landscape; the impact on the amenity of local residents; the effect on the local biodiversity; the impact on drainage matters and the accommodation of traffic on the local highway network.

5.2 The Council has strategic objectives (adopted within the Core Strategy, para 2.30) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.

5.3 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community’s housing economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.

5.4 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.

5.5 The site is located in open countryside, outside of the Development Limits of a sustainable settlement. Policy CP4 of the Hambleton LDF establishes a general presumption against development in locations outside of the Development Limits of sustainable settlements, as defined by the settlement hierarchy. Policy CP4 also recognises that there must be exceptions to this principle, for example where there is an essential requirement to locate in the countryside. Essentially the purpose of CP4 is to exercise strong restraint on development in locations outside the sustainable settlement hierarchy (second paragraph of CP4). Restraint is applied through consideration of the requirements of Policies CP1, CP2 and CP4.

5.6 Making an “exceptional case” in terms of CP1 and CP2 does not mean showing how a proposal meets the criteria and provision of CP1 and CP2. The Plan states that the benefits sought by CP1 and CP2 are more likely to be achieved by locating development within the sustainable settlement hierarchy (para 4.1.9). The assumption is that development in locations outside the sustainable settlement hierarchy would likely to be contrary to CP1 and CP2. “Exceptional Case” therefore means providing evidence as to why a proposal that does not comply with the intentions of CP1 and CP2 should be permitted.

5.7 The Government’s ‘Good Practice Guide on Planning for Tourism’ advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable

when located close to existing settlements and other services as some local services may be accessed by means other than the car.

5.8 The site is located approximately 1.4km from Easingwold, which is the nearest service centre for the purposes of Policy CP4. There is currently no footpath route from the site into the town but the proposed footpath route is via Shires Beck and the edges of fields where it joins York Road approximately 300m south of the edge of the town. A wide grass verge leads to the start of the footway approximately 150m to the north on the side of York Road.

5.9 Compliance with Policy CP4 means being able to meet at least one of the criteria of Policy CP4 and provide the evidence to prove this. It is appreciated that a countryside location is desirable for a caravan park but for an exemption to be made to the LDF policies there must be some special justification. Policy CP4 states that development outside the defined Development Limits of identified settlements will only be supported in specific circumstances. These include where development is necessary to meet the needs of tourism and will help to support a sustainable rural economy. The Tourism Statement submitted with the application details places of interest, activities and facilities available within a reasonable distance of the application site such as nearby fishing ponds (within cycling distance), Sutton Park and Beningbrough Hall and those further afield such as Castle Howard and shops, pubs and restaurants within Easingwold itself (within safe walking distance along the proposed footpath route although it is appreciated that this would be less attractive in the dark). A bus route with a frequent service passes the site, which provides an alternative option for holidaymakers and relatively easy access into York. It is suggested that this information demonstrates the contribution towards sustaining the social and economic needs of the local rural community and is therefore considered to be exceptional to meet the terms of the LDF Policies.

5.10 The proposed lodges would be largely screened by the existing trees remaining at the site. Viewed from outside the site from York Road or the Hawkhill road the proposed cabins will not have a significant effect on the character and appearance of the surrounding countryside. The proposed lodges are to be built of natural materials and are all single storey so will have a minimal visual impact on the landscape if viewed from outside the site. The most visible part of the development is the entrance to the site but this is already in place to an adoptable standard and therefore will have no greater visual impact. The proposals will have some effect on the existing remaining landscape features as the proposal requires two relatively small areas of coppice woodland to be cleared for the two smaller (5 no.) lodge sites, but this is not significant and lies away from the edges and will not be prominent. It is suggested that a Tree Preservation Order may be imposed to ensure the remaining trees are retained in order to protect the visual amenity of the surrounding landscape and local residents.

5.11 Concerns have been raised about the proposed development affecting the amenity of local residents and countryside users due to the traffic, activity and noise associated with the proposals. The development is over 140m distant from the nearest neighbouring dwelling to the east and the proposed access is away from neighbouring dwellings; this is considered to be sufficient to restrict the impact on the amenity of neighbours.

5.12 The application site is not a designated site of nature conservation but the site has a certain value as a woodland habitat. Additional up to date information has been requested from the applicant's agent and any recommendation is subject to the receipt and consideration of these details.

5.13 The scheme proposes to introduce sustainable drainage techniques, as recommended by the Environment Agency, so that as much permeability can be retained within the site as possible. An existing wetland area is to be retained at the southern part of the site, which will have a capacity for water storage, draining from the other parts of the site. Foul drainage is to be addressed by means of a package treatment plant, which may require further permission from the Environment Agency.

5.14 The proposed development is to be served from the existing access onto York Road approximately 50m north of the roundabout. The Highway Authority has no objections to this proposal. Vehicle speeds along York Road can be high but are generally lower in the vicinity of the roundabout.

5.15 The proposed development is considered to be acceptable and, subject to the additional habitat survey information still awaited, approval of the application is recommended.

SUMMARY

The scale and design of the proposals satisfactorily relate to the surroundings with limited effects on the character and appearance of the countryside. The proposed holiday units, wetland, access and footpath will result in a sustainable development with limited effects on neighbouring amenity, local ecology or highway safety. The proposed development is therefore in accordance with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the holiday lodges whichever is the sooner, unless the landscaping scheme shown on the landscaping plan (LL01) received by Hambleton District Council on 4 July 2012 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
3. The development shall not be commenced until details relating to boundary treatments and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
4. No holiday lodge shall be occupied until the boundary treatments and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 12 above. All boundaries and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
5. The number of holiday lodges on the site shall not exceed 16.
6. The occupation of the accommodation hereby approved shall be as follows:
 - (i) the holiday lodges are occupied for holiday purposes only;
 - (ii) the holiday lodges shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
7. There shall be no illumination of the development hereby approved without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
8. No part of the development shall be used until the footpath shown on the Ownership/Application Detail drawing received by Hambleton District Council

on 6 August 2012 has been provided and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The footpath shall at all times be maintained free of obstructions, on its current alignment and to a width of 2m. The existing surface of the footpath must not be interfered with in any way without the prior consent of the Local Planning Authority.

9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

10. No development shall take place until the final design of the sewerage system including details of size and construction have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first use of the development and thereafter retained.

11. No development shall take place until full details of the biomass boiler to be installed in the proposed premises including maximum power output and chimney height have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall demonstrate that the chimney height is sufficient to disperse the products of combustion such that harmful concentrations of pollutants shall not arise at ground level. The approved scheme shall be installed prior to the first use of the development and thereafter retained.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 12514520155.01). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered Lodge Detail Rev B, 12514520155.01 and Ownership/Application Detail received by Hambleton District Council on 4 July and 6 August 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP33.
3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.
5. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Development Framework Policies noted above.
6. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the LDF Policy CP4.
7. In order to protect the amenities of residential property in the area and the rural landscape in accordance with LDF Policies CP16, DP1 and DP30.
8. In the interests of the safety and convenience of the footpath users in accordance with LDF Policies.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with LDF Policies CP21 and DP42.
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
11. In the interests of the amenity of the locality in accordance with LDF Policies.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

5.

12/01110/FUL

Change of use of agricultural land to leisure and tourism use, alterations to existing farmstead building to form a cycle and refuse store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area, siting of 2 log cabins and formation of site car parking. Retrospective application for change of use of part of dwelling to form a beauty clinic. Change of use of a wildlife pond to form a fishing/wildlife pond.. at Girsby Hall Farm Over Dinsdale North Yorkshire DL2 1PP for Mr G Turnbull & Mrs A Turnbull.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning permission for the change of use of agricultural land to leisure and tourism use.

1.2 The proposals would include the siting of no.2 log cabins within an area of the farm currently described within the plans and particulars as "paddocks", located to the west of the listed farmhouse. The proposed cabins would be of timber construction with a tiled, dual-pitched roof, measuring 14 metres in length and 6.1 metres in width. The eaves and ridge heights of the proposed cabins would be approximately 2.4 metres and 4.8 metres respectively. Each cabin would have no.2 bedrooms, main bathroom, en-suite bathroom, utility, kitchen and dining area. Each log cabin would be surrounded on all sides by a raised platform area with panelled railings.

1.3 A detailed landscaping scheme has been submitted with the application. The landscaping of the site is intended to introduce both 'large format' tree cover on the boundary of the site as well as 'smaller shrubs and bushes' for localised screening largely located within the site.

1.4 The proposal also includes the conversion of a large agricultural building directly to the north of the farmhouse which is proposed to accommodate no.4 holiday let units as well as communal 'relaxation areas', toilets and a retail sales area selling 'local produce'. The units would each have no.2 bedrooms with apartments 1 and 2 having part of their accommodation at first floor level. The proposed conversion of this building would largely utilise existing openings within southern elevation, although the northern elevation would see more substantial alterations including the demolition of an asbestos-clad building adjoined to the northern elevation of the converted barns. An existing lean-to-style extension which is open-sided to the northern-elevation would be rebuilt so that it would have solid elevations. A single-storey projection on this elevation would also be altered to include a glazed entrance to the proposed converted building. New door and window openings would be created within this northern elevation. Conservation-style roof lights would be added to the north-facing and inner roof slopes, whilst solar and photovoltaic panels are also proposed on selected roof slopes of this range of buildings.

1.5 The plans and particulars also show that an existing timber overhang - to the southern elevation of an existing agricultural building - would be modified to provide no.6 lockable cycle lockers and enclosed refuse area. These would be of timber construction with a tiled roof.

1.6 An existing pool located to the north of the building group within the farm would be utilised as a wildlife and fishing pond. The proposed layout plans show that no.6 fishing pegs would be created around the pond.

1.7 It is also proposed to convert an existing redundant agricultural building - located directly to the west of the of the proposed holiday accommodation building - to 'site manager accommodation' to be used as ancillary annexe accommodation by the son of the applicant who is proposed to manage the proposed holiday let/log cabin business. The internal layout has been modified by an amended plan to contain a living area, W.C., kitchenette, office and store room. An extension would be added to the western elevation of the building.

1.8 The application also seeks retrospective planning permission for the change of use of part of the existing listed farmhouse as a beauty and leisure clinic. The Design and Access Statement states that the clinic has been operating for almost 5 years and currently employs 4 full time staff and 3 consultants from outside the local area.

1.9 The main site access would be utilised for the proposals whilst additional parking spaces are proposed located adjacent to the proposed annexe and holiday let buildings. On-site parking in front of the listed farmhouse is already in existence.

1.10 The applicants have subsequently submitted a statement (addressed to members of the Planning Committee) outlining their family background and current personal and economic circumstances, as well as providing some context to the application.

2.0 RELEVANT PLANNING HISTORY

2.1 12/00255/FUL : Planning permission for the siting of 8 log cabins and cycle store, alterations to 2 barns to form manager's accommodation and 4 holiday cottages plus formation of car parking. Retrospective application for change of use of part of dwelling to form a beauty clinic. Withdrawn, April 2012.

2.2 12/01532/LBC : Listed Building Consent for alterations to existing farmstead building to form a cycle and refuge store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area. Retrospective application for change of use of part of dwelling to form a beauty clinic. validated and currently under consideration.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- National Planning Policy Framework - published 27 March 2012
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation
- Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP11 - Distribution of new employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP28 - Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy

4.0 CONSULTATIONS

4.1 Parish Council : Two responses have been received from the Parish Council (on the 29.07.12 and 06.08.12 respectively) Following concerns raised by members of the local community, the Parish Representative requested that the response dated 06.08.12 be also taken into account to 'amend and clarify' the points raised in the earlier response. The Parish Council's responses are summarised below :

Points from the 29/07/2012 response :

The 'main bone of contention' remains the proposal, for the log cabins. If the proposed no.2 log cabins were granted planning permission it could make it difficult to refuse any future expansion schemes.

The C254 rural road is inadequate to accommodate current traffic needs and the development would increase the use on local public footpaths and bridleways and result in a general increase of people within this 'rural backwater'.

Points from the 06/08/12 response :

Oppose the application for the following reasons:

Concern that no response has been published by the Local Planning Authority/Highway Authority with regards the submitted Traffic Statement submitted by the applicant.

Some confusion remained over the final consultation date,

The Parish had not seen the letters of support that Mr Turnbull previously stated he had in regards to the proposals.

The Parish would like to see the buildings developed in a sympathetic way that provide a useful purpose for the locality, but for residential use only.

Concern was expressed regarding the 'long-term' situation of the development – if the farm was to change ownership in the future it may not be run in a sensitive and sympathetic manner as the current owners are likely to run it.

The approval of the proposal would detract from the peaceful rural lifestyle enjoyed by local residents.

The proposal would increase car traffic as well as use by pedestrians, horse-riders and cyclists on the C254, a public highway that is well used by lorries, farm traffic, local residents and cyclists.

Concern is expressed that the proposals would lead to an increase in the use of local footpaths and bridleways which would put people and cattle in conflict with each other which could present a danger to young children and adults alike.

The proposals could lead to an increase in litter.

4.2 Northumbria Water : No comments to make.

4.3 Highway Authority : No objections, subject to conditions. Conditions include the provision of passing places on the C254 between the B1264 and the junction of the 189R (the

unnamed road leading from the C254 to the B1264) and the submission of independent Stage 2 Safety Audit before the commencement of the development.

4.4 Conservation Officer : No objections to the proposals.

4.5 Publicity : Occupiers of neighbouring properties were consulted in writing and a site notice was erected close to the application site, whilst an advertisement was placed in a local newspaper. The period for replies for the site notice and advertisement expired on the 26.07.12 and the 23.07.12 respectively.

31 individual letters of objection/concern have been received to date, however it should be noted that in some cases this figure includes multiple objections from the same objector wanting to raise additional points. The reasons for objection are summarised as follows: -

a) The access road (C254) – already in a poor state of repair and inadequate to cope with large agricultural machinery and the increase in recent years of vehicular traffic - is not suitable for the increase in traffic resulting from the development. The increase in traffic generated by the proposed development would lead to congestion and more conflict with existing road users (including cyclists, motor-cyclists, pedestrians, vehicles of local residents, fishing club members, farm traffic, HGVs and motorists who use the route as a 'rat-run' between Darlington and Yarm/Northallerton) and could lead to more accidents, particularly as the road currently lacks recognised passing places and a footway and also has numerous bends which help to limit visibility. The carriageway is narrow meaning cars often have to leave the carriageway to pass one another.

b) Tourists visiting the area as a result of the development would not respect the environment in the way that local residents do, e.g. causing additional litter and not following designated public rights of ways. This could lead to a conflict of uses and dangers where tourists interact with livestock and local shoots.

c) The proposed development would create disturbance in the local area and a detrimental impact on local residents/communities and the surrounding environment. Little regard has been given in the application to the impact of the proposals on surrounding properties and land. Any tourists are likely to 'spill-out' onto neighbouring land. The scheme would not only be detrimental to local residents, but also to the various recreational clubs and bodies who use the area.

d) The suggested employment created would be found from outside the area and 'transported in' and there are not any local businesses that would benefit as a result of this tourism enterprise, whilst the majority of residents are commuters. Doubts have also been raised about whether the proposed shuttle bus service would actually create additional employment. Some of the attractions and places to visit mentioned in the plans and particulars are over 40 miles away from the application site. Questions have also been raised regarding the proposed staff numbers required and whether these would be local jobs.

e) The proposal for an on-site retail shop is likely to increase traffic as it is unlikely that the shop would be sustainable from users on the on-site accommodation alone.

f) Lack of specific detail about the renewable energy proposals to be introduced. No mention of renewables in relation to the log cabins. The shuttle bus service is likely to be underused as most tourists are likely to visit by private car.

g) No market assessment has been carried out to assess the need for such a development in this location.

h) There are contradictions in the plans and particulars regarding the numbers of customers using the health and beauty clinic and how long the business has been operating from the site.

- i) The proposals are not sympathetic with the surroundings (one objector has mentioned that the proposal is within an Area of Outstanding Natural Beauty, however this is not the case)
- j) The proposals are not sustainable and there is a lack of local amenities to be used by tourists.
- k) The access to the application is on a sharp bend in the road, which would lead to delays and potential dangers in relation to vehicles travelling down this element of the C254.
- l) Construction traffic in the construction of the proposed development would lead to damage to the existing surface of the carriageway and adjoining verges, whilst also leading to mud and debris being deposited on the carriageway.
- m) The Transport Assessment relies on examples outside of the local area when there are sufficient instances of similar developments within the immediate geographical area – why? These examples have little relevance to the issues associated with this particular scheme. The information relied upon is also 3 years old. The Assessment seems to show photographs of wider roads and in a better state of repair than what is the reality of the roads.
- n) The proposals are unlikely to bring in any net increase in tourism income in the area as the proposals would take away existing tourism from existing tourist accommodation in the local area to their detriment, whilst the retail elements would affect custom and footfall in relation to already established local shops in the area. Other similar schemes in the area have proved that there is a lack of demand for such facilities in the area and the location ‘on the surface’ is likely to be unattractive to visitors/tourists who are not aware of the area.
- o) The proposals (in particular the log cabins) would not be in keeping with, and detract from, the setting of the grade II listed farmhouse. The proposed conversion scheme of the agricultural buildings would adversely affect their character.
- p) The proposals would not be compatible with neighbouring agricultural businesses.
- q) Granting of planning permission for the current proposals is likely to lead to future applications for an expansion of the tourist facilities within the site, leading to a ‘holiday theme park’ on the site.
- r) The proposals would be highly visible from the roadside and would affect views across the River Tees. The scale and location of the log-cabins in particular would mean they would be an eye-sore and would spoil the appearance of the surrounding countryside more generally.
- s) The Highway Authority recommendation is assuming that all additional traffic generated by the proposals would enter the C254 from the B1264 at Great Smeaton. The recommendation fails to mention is that the Hambleton District boundary extends beyond Girsby Hall Farm to the single lane road bridge at Over Dinsdale, leading to and from Neasham and Hurworth. This section of road is in the poorest state of repair along the whole of the C254 and has no formal passing places. Despite the Highway Authority’s assumptions, it is natural that drivers travelling to and from the site from the Darlington side will use the route from Hurworth and Neasham. Does the Highway Authority have any data to support their assumption that the majority of traffic would avoid the Over-Dinsdale route? The Highway Authority’s recommendation for addition of passing points between the C254 and B1264 between Girsby Hall Farm towards Great Smeaton will serve no additional benefit or safety measures to road users between the proposed site and the River Tees Crossing at Over Dinsdale. The Highway Authority recommendation is therefore not taking into account the full consequences of the proposal’s effect on the area as a whole.
- t) What are the environmental impacts of the pond?

u) The proposals would raise amenity issues in relation to nearby residential properties, such as noise pollution from tourists and vehicles. The proposals would also blight views of the surrounding landscape as viewed from nearby properties.

v) External and internal lighting associated with the proposals would act like a 'beacon' within the surrounding landscape to its detriment.

w) The proposed manager's accommodation and retail elements are not essential to the scheme, given the close proximity of the residential farmhouse.

Petitions:

Four petitions have been submitted by objectors to the proposal

Petition 1 - containing 150 signatures has also been submitted in relation to this proposal.

The title of the petition is as follows:

"I/We the undersigned object to the proposed planning application No's 12/01532/LBC and 12/01110/FUL, change of use to holiday/leisure development at Girsby Hall Farm, Girsby, Darlington, DL2 1PP.

We believe the development would mean;

- 1) Any log cabins are not in keeping with the local scenery and buildings, listed or otherwise, as would be the entire development
- 2) A significant increase in the risk of serious injury to road users, pedestrians, animals, etc through increased traffic and unnecessary use of local roads
- 3) Would impact upon the safety of organised clubs/groups whom frequent the area on cycles, motor bikes and other motor vehicles taking apart in organised activities
- 4) Create noise pollution
- 5) Create further littering"

Petition 2 - submitted on behalf of Darlington and District Horse- Riders (containing 30 signatures) has also been submitted, under the title of: 'We strongly object to such a large scale development and feel that it would be totally inappropriate in this quiet backwater and that it would impair the enjoyment of many who have come to this area for many years to 'Get Away From it All' and enjoy the peace and quiet it has to offer"

Petition 3 - containing 24 signatures was submitted under the title of 'We the undersigned object to planning application 12/01110/FUL, change of use to holiday leisure development. We confirm that we are neither employed, nor have any interest in or with the applicants. We believe the development would mean:

- 1) Any log cabins are not in keeping with the local scenery and buildings, listed or otherwise, as would be the entire development.
- 2) Significantly increase the risk of serious injury to road users, pedestrians, animals through increased traffic and unnecessary use of local roads
- 3) Create noise pollution
- 4) Create further littering
- 5) Cause further damage to the local roads and roadside verges which were never designed to accommodate such volumes of traffic.
- 6) Increase in the risk of trespassing.
- 7) Breach of Article 8 European convention of Human Rights – Right to respect for Private and Family Life.

Petition 4 - submitted on behalf of Darlington and Anglers (containing 56 signatures)has also been submitted, under the title of: 'We strongly object to such a large scale development and feel that it would be totally inappropriate in this quiet backwater and that it would impair the enjoyment of many who have come to this area for many years to 'Get Away From it All' and enjoy the peace and quiet it has to offer"

Several photographs have been submitted to illustrate highway issues of the objectors such as showing examples of the wear and tear of parts of the 'Girsby Road' and other existing highway issues, such as vehicle sparked on verges, sharp bends, narrow parts of the carriageway as well as photographs of 'near misses' and actual vehicle accidents on the road. A list of other similar holiday lodge/cabin accommodation within the surrounding area has also been submitted as well as a map showing the location of the aforementioned 'highway hazards' and the location of objectors and supporters of the proposals.

It should be noted that the Local Planning Authority cannot verify whether any or all of the signatories have viewed the relevant plans and particulars of the application (unlike Council publicity and letters no reference was made on the petitions to gaining access to the plans and particulars)

Supporters:

An individual letter of support has been received which are summarised below:

a) The development will not be detrimental to the local environment and that rural businesses and as such should be supported.

b) One supporter of the proposals stated that having travelled regularly along the Girsby Road, they had not experienced any issues and that the additional traffic created by the proposed development would be minimal.

The applicants have submitted a document containing 21 signatures (predominantly from people residing in Girsby and Over Dinsdale) in support of the applicant's proposals. An accompanying map shows the location of the residence of the signatories. The title of the petition states the following

'I/We the undersigned wish it to be noted that we are in agreement with the proposed planning permission at Girsby Hall Farm, Girsby, Darlington. DL2 1PP and have no objections to:

- 1) The retrospective planning for The Beauty Clinic
- 2) The conversion of farm buildings to holiday cottages and parking.
- 3) The conversion of the farm building into Annexe for manager.
- 4) Erection of Log Cabins.'

It should however be noted that some of the signatures are dated from before the date that the current application was received by the Local Planning Authority. A covering letter by the applicants state that the signatures were collected after the withdrawal of the previous application, however it is not entirely clear whether the signatories are supporting the April 2012 withdrawn proposals or the new proposals.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies Document as set out above and relate, in this case, to the:

impact on local visual amenity and landscape character

- Highway safety and amenity considerations
- Is the site in a sustainable location that can achieve access without reliance on the private car
- Impact on the setting of a listed building, and the
- Economic and the benefits which may accrue to the local economy by virtue of direct employment and disturbance to local residential amenity
- Benefits in terms of renewable energy generation are also an important consideration.

Planning Policy and the Principle of the Development

5.2 The site lies beyond the Development Limits and is in the open countryside. The proposal is predominantly for holiday accommodation and associated facilities and, in accordance with LDF Policy CP4, new development outside of designated 'Development Limits' will only be permitted where an 'exceptional case' can be made for the development in terms of Policies CP1 and CP2 and where the development would not conflict with the environmental protection and nature conservation policies of the LDF. Policies CP4 and DP9 also require the development to meet the requirements of at least one of six provisions outlined in CP4, including meeting the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to, locate in a smaller village or the countryside and will help to support a sustainable rural economy; it would re-use existing buildings without substantial alteration or reconstruction, and would help support a sustainable rural economy or help to meet a locally identified need for affordable housing; it would make provision for renewable energy generation; would support the social and economic regeneration of rural areas.

5.3 Chapter 3 of the National Planning Policy Framework (NPPF) - 'Supporting a prosperous rural economy' - supports economic growth in rural areas. Specifically, support should be given to enterprises in rural areas which convert existing buildings or well-designed new buildings, promotes the development and diversification of agricultural and other rural businesses and which involve sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.

5.4 As a predominantly tourist-related development which would involve the conversion of listed curtilage buildings, it is clear the proposed scheme would comply with two of the specific provisions of Policy CP4 as outlined above and more generally with the guidance within the NPPF.

5.5 Policy CP4 also requires an 'exceptional case' to be made for the proposal in relation to policies CP1 (Sustainable Development) and CP2 (Access). CP1 requires the community's housing, economic and social requirements to be considered, whilst also the protection and enhancement of the natural and built environment and the minimisation of energy consumption and the need to travel. CP2 states that development should be located as to reduce the need to travel with convenient access to footpaths, cycle paths and public transport thus reducing the need to travel by private car. The benefits of the proposals in relation to the local economy green energy production, the natural environment and on reducing the need to travel are explored in more detail below, but based on these elements of the scheme it is considered that overall the proposed development would represent an 'exceptional case' in relation to both CP1 and to a lesser extent CP2 of the Core Strategy.

Beauty Clinic

5.6 The retrospective Beauty Clinic element – would generally be expected to be located within development limits. Policy CP11 and DP25 of the Hambleton Core Strategy does allow for 'small-scale' employment development to meet local needs where it complies with Policies CP4 and CP15. The submitted plans and particulars show that the retrospective beauty clinic element of the scheme currently occupies part of the listed farmhouse house and comprises of a small ground floor reception area/W.C. and two first-floor 'treatment rooms'. The total floorspace occupied within the farmhouse for use by the beauty clinic would amount to approximately 52 square metres, which is a relatively modest floor space in business terms. The clinic currently employs no.4 locally-based Beauty Consultants and up to 3 Consultants from outside of the local area. The Transport Statement states that the clinic currently has approximately 70 appointments per week (Monday-Saturday) which equates to between 11 and 12 appointments per day.

Shop

5.7 Local Plan policy would expect the retail shop element to be located within a Service Centre or Service Village. However, like the Beauty Clinic, this element of the scheme would be small-in-scale both in terms of the floor-area involved, the number of staff employed and the range of products available (limited to 'locally sourced' convenience items) The retail

shop would be predominantly used by tourists on the site and is therefore predominantly an ancillary retail element associated with the larger leisure/tourism element of the proposal. Any planning permission can be conditioned to ensure that the retail element remains ancillary to the leisure/tourism use.

Annexe

5.8 The proposal includes the conversion of a former agricultural outbuilding to form annexe accommodation for a Site Manager which is intended to be the applicants' son. Policy CP4 of the Hambleton Core Strategy supports the re-use of existing buildings without substantial alteration, providing it would help to support a 'sustainable rural economy' or an 'affordable housing need' where an 'exceptional case' can be put forward in relation to policies CP1 and CP2. The NPPF states that new isolated homes in the countryside should be avoided unless there are 'special circumstances', such as an essential need for a rural worker to live permanently at or nearby their place of work or the where it would involve the re-use of redundant or disused buildings that would lead to an enhancement to the immediate setting.

5.9 A 'Statement of Need' has been submitted with the application to argue that the Manager's Accommodation is essential to the scheme and in compliance with Local Plan policy. Following discussions with the Local Planning Authority, the agent has amended the internal layout of the building to reflect an ancillary, inter-related relationship with the main property. The amended internal layout plan shows that there would be no separate bedroom (although informal sleeping would be available on an ad hoc basis within the proposed Living Space), the kitchen and bathroom facilities would be significantly reduced in size and a larger proportion of the internal floor space would be utilised as store areas for the business. Whilst considerable doubt remains as to whether there is an essential or necessary need for a separate dwelling to serve a countryside-based tourist business - particularly in consideration that that person would be the applicants' son who currently resides in the listed farmhouse - it would seem reasonable given the nature and role of the business to convert this building into an ancillary accommodation for the tourism enterprise. Furthermore, CP4 accepts the principle for the re-use of existing buildings in the countryside (without substantial alteration) providing they would help support a sustainable rural economy or meet a locally identified need for affordable housing. Any approval should be conditioned to ensure that the Manager's Annexe remains ancillary accommodation.

Economic Benefits

5.10 Whilst both objectors and the applicant have shown that there are other chalet/log-cabin developments elsewhere within North Yorkshire and the Darlington area, it is clear that the 'beauty clinic' element - which is proposed to form a central and significant part of the overall scheme - does offer a tourist-related facility which is different from most of the other log tourist-related developments in the surrounding area, particularly when combined with the other 'leisure' activities proposed. The particulars accompanying the application also show that there would be additional full-time and part-time job creation as a result of the proposal in the form of a cleaner, gardener, retail sales assistants, additional beauty therapist site manager and site manager assistant. Whilst it should be noted that the Site Manager is proposed to be the son of the applicants and there has been doubt expressed amongst objectors as to whether all these jobs would be needed/created as some could be done by the applicants and/or 'doubled up', the fact remains that the proposal is likely to generate additional small-scale employment of people likely to be drawn from the local area. Therefore notwithstanding the concerns of objectors, it is likely that the proposal would offer economic benefits - albeit on a modest scale - in the form of additional employment and tourist-related income for the local area, although the lack of services and retail provision in the immediate area would mean that local tourist spend is likely to be restricted.

Green Energy

5.11 The proposals would include the provision of solar and photo voltaic panels and ground source heat pumps in order to generate electricity and heat water within the site. Precise details of these measures have not been submitted with the application, although proposed plans show the addition of solar and photo voltaic panels of the roof slopes of the brick-built range of agricultural buildings that are proposed to be converted into holiday apartments.

Minimising Travel

5.12 Whilst Policy CP2 of the Core Strategy requires development to be suitably located to reduce the need to travel. Rurally-based tourist retreats and holiday accommodation are likely to be distant from shops and services. Notwithstanding this, development should make provisions to help reduce the need to travel even in rural locations and have an alternative to the use of the car. Although the site is likely to be accessed by most tourists by private car, the applicants have proposed a shuttle bus service to transport patrons to and from Northallerton Station. Furthermore, the same 12 seater mini-bus would be used to take guests to and from local town centres such as Darlington and Northallerton. This part of the proposal has the potential to reduce the number of trips by private car generated by the development. The provision of a range of leisure and recreational facilities both on-site and in the surrounding countryside could lead to tourists remaining on-site and in the surrounding area rather than using the accommodation as a base from which to explore the surrounding attractions and facilities by private car.

Highway Safety and Amenity

5.13 Many of the objectors to the proposals have expressed strong feelings regarding the impact of the development on the local road network, particularly the 'Over-Dinsdale-to-the B1264 junction' road (C254) running in a general north-south direction to the east of the application site. Many objectors have sited the poor condition of the road and have also expressed concern regarding other safety and amenity issues relating to this road including the narrowness of the carriageway, the lack of visibility in relation to some parts of this highway and the existing conflict between different users of this road, including walkers, cyclists, agricultural vehicles, residential/commuter traffic, horse-riders, etc. Various accidents and 'near misses' have been cited by objectors and there is a consistent and strong feeling amongst objectors that the increase in traffic generated by the proposed development would exacerbate the existing highway safety and amenity issues.

5.14 A Transport Statement (dated May 2012) has been submitted with the application. The Assessment makes a 'Trip Generation Assessment' using the TRICs database to assess the likely level and impact of the trip generation created by the development on the local road network. The estimated trip generation of the proposed development is based on no.2 appropriate and similar schemes within the TRICs database, one for a site in rural Norfolk and one for a site in Fort William, Scotland. Some objectors have queried the use of examples from outside the local area, however the examples have been chosen as 'best-fit' examples to estimate the number of trips generated, so the fact that the examples are from outside of the area is considered to be acceptable. The average number of vehicle trips (both arriving and departing) generated by the two aforementioned schemes were 19 vehicle movements per day. The Assessment considers this average to be similar to the number of trips to be generated by the proposed schemes at Girsby Hall Farm (including the Beauty Clinic Element) The Transport Assessment concludes that this 'low amount of vehicle traffic' estimated to be generated by the development would not have a noticeable or negative impact upon the local road network and does not consider the highway to be inappropriate for accessing such a 'small-scale' development.

5.15 The applicants proposal to operate a shuttle bus service to 'pick-up/drop-off' tourists from Northallerton Station, and provide access to local tourist and retail centres is not considered in the Transport Assessment

5.16 The proposed development is likely to generate a small amount of additional traffic on the road network, there are issues with the 'Over-Dinsdale-to-Girsby' Road such as

- the narrowness of the carriageway
- lack of passing-places, and
- use by different groups/road users

These raise understandable concerns amongst some local residents/objectors that even a small increase in traffic may exacerbate current issues. The Highway Authority have recommended that the applicant install passing places on the 'Girsby-to-the B1264 junction'

element of the public highway in order to address some of the concerns in relation to the impact of additional traffic on the local road network as a result of the proposed development. The Highway Authority have stated that they do not feel that it would be necessary to create passing-places' on the 'Girsby-to-Over-Dinsdale' stretch of the carriageway as most traffic to the site would use the B1264 to access the rural lane (particularly as this is the route recommended to the application site by most Satellite Navigation systems)

5.17 The low level of additional traffic that the proposed development is likely to generate in combination with the recommended Highway Authority mitigation of the introduction of passing-places (which the agent for confirmed the applicants are willing to implement), lead to the conclusion that the proposed development would not have an unacceptable impact on highway safety and amenity and would not justify a recommendation for refusal of the proposal. However, should members be minded to approve the application, a Planning Obligation (Section 106 Agreement) should be completed by the applicants to ensure that the applicants implement an appropriate number of passing-places, in the correct locations and to the specifications of the NYCC Highway Authority prior to the commencement of the development. The applicants have suggested that a 'incremental' scheme of passing-places is introduced based on when certain parts of the proposal becomes operational. This would need to be agreed in detail with both the Local Planning Authority and the NYCC Highway Authority as part of the Section 106 Agreement.

5.18 The proposed access to the site and on-site parking provision are considered to be appropriate and would not lead to any highway safety or amenity issues on the local road network in themselves.

Impact on the Surrounding Landscape and Countryside

5.19 With the exception of the log cabins and associated pathways in the former paddocks of the farm, the proposals would utilise existing buildings. The no.4 apartments would be created within a range of existing brick-built agricultural buildings with only a modest addition to the footprint of these buildings. The Beauty Clinic has been established within the existing farmhouse with few visible external signs of the business apart from parking spaces in front of the listed building.

5.20 The log-cabins and associated pathways would be erected on greenfield land, their close proximity to the existing buildings within the farm group would ensure that they would not be viewed as independent or isolated structures within the open countryside. The provision of only no.2 log cabins (which would be dark in colouration and relatively modest in height) in combination with a landscaping scheme (including existing hedgerows and trees in conjunction with the planting of native trees and shrubs) would help to screen the log cabins from public vantage points, such as the public right of way located to the west of the building group/paddock. Overall therefore, the visual impact of the proposals on the surrounding landscape and countryside is considered to be minimal and as the submitted landscaping scheme would involve the substantial planting of largely native species within and on the boundaries off the site, then the proposal is likely to lead to a noticeable enhancement of the landscape and the natural environment.

5.21 Many objectors and signatories of the submitted petitions have highlighted the potential of an increase in litter as a result of the development. Some objectors have suggested that tourists are less likely to take care of the local environment than local residents and members of local clubs, however there is no evidence to suggest that this would be the case. Given the relatively small-scale of the development, there is unlikely to be a significant increase in the amount of litter in the area as a result of the development.

5.22 Some objectors have concerns that tourists would not respect private land and would not keep to designated public rights of way, leading to friction and potential dangers involving local land owners and outdoor clubs. Again, there is nothing to suggest that tourists would be less likely to respect private property or deviate from designated rights of way than local residents.

5.23 Concerns have also been raised in the letters of objection regarding the impact of construction vehicles and tourist-related traffic on the integrity of the grass verges and on the carriageway itself. However, as estimated by the Transport Assessment, trip generation created by the development is likely to be relatively low whilst the construction works are not likely to be significant in terms of scale. Therefore, the impact on the grass verges and carriageway are unlikely to be significant

Impact on Neighbour Amenity

5.24 There are no immediate neighbouring properties adjacent to the application site, the nature of the proposed tourist enterprise within a generally quiet rural setting has the potential to lead to additional noise, disturbance and light pollution in the area. White House Farm is located approximately 400 metres to the north, whilst the nearest properties to the south are Holly House (approximately 400 metres away) and Girsby House (approximately 450 metres away), whilst located to the south-east is the farm of Girsby Grange (approximately 600 metres away)

5.25 Some objectors are concerned about noise and disturbance from the proposed development. Whilst the nature of the tourism use within the site could lead to some increase in noise levels, the majority of activities on offer such as beauty treatments, cycling, walking, horse-riding and fishing are relatively peaceful activities are likely to be in keeping with the relatively peaceful, rural surroundings.

5.26 Light pollution and the impact of internal and external lighting on the amenities of neighbours have also been highlighted by some objectors. Details of any external lighting can be conditioned as part of any planning approval to ensure that it is appropriate and in keeping with it's the countryside setting. Whilst the converted brick-built range of building would contain a relatively large amount of glazing, particularly in the form of roof lights, the impact of internal lighting on neighbours and the surrounding countryside is considered to be negligible.

Design/Appearance and Impact on the Setting of a Listed Building (and Curtilage Buildings)

5.27 The farmhouse is a grade II listed building, whilst the surrounding agricultural buildings are 'curtilage buildings' by virtue of their location within the farmyard of the listed farmhouse. Generally-speaking, the proposed conversion schemes of the brick-built range of former agricultural buildings and that of the proposed Manager's Accommodation have been design to respect the traditional and historic character of the buildings and their setting. The brick-built range of buildings would be converted with only a small addition to the buildings footprint in the form of a glazed entrance thus retaining the form of the building. Where possible, the roof tiles and bricks would be re-used within the building as part of the conversion scheme, whilst new window and door openings are proposed, particularly within the northern elevation of this range of buildings, they would be done in a sensitive and unobtrusive manner, using traditional fenestration and timber windows, doors and frames. A relatively large number of roof lights are proposed, however in consideration of the large area of roof space of this range of buildings and the fact that the roof lights are proposed to be in the conservation-style, this is not considered unacceptable in terms of the traditional character and appearance of the building. Some of the proposed drawings show photo-voltaic panels on the roof of the roof slopes of this building. Given the traditional character of the building and its close proximity to the grade II listed farmhouse, any photo-voltaic or solar panels should be located on the inner (south-facing) roof slopes of the building so that they are largely hidden from view as viewed from the ground. The precise number of location of any solar or photo-voltaic panels can be conditioned as part of any approval. The removal of the asbestos-roof building to the north of the brick-built range of former agricultural buildings would help to improve the setting of this curtilage building and should be seen as an enhancement in this regard. The additional of cycle and bin stores is not considered to adversely affect the setting of the adjoining curtilage building, although precise details of materials and colour finishes should be conditioned if planning permission is granted to ensure their compatibility with their surroundings.

5.28 Whilst the log cabins in terms of distance would be located relatively close to the grade II farmhouse, the positioning of the log cabins within the paddock and surrounded by existing and proposed trees and hedgerows is unlikely to adversely affect the setting of the farmhouse or the adjacent curtilage buildings.

5.29 The conversion scheme of the former agricultural building within the site is also considered to be sensitively done and would involve the enhancement of a former agricultural building which has fallen into a state of disrepair. Notwithstanding this, if planning permission was to be granted, precise details of the railings around this building should be conditioned to ensure that an appropriate design and sensitive materials are used. The location and amount of parking and proposed pathways is not considered to have an adverse affect on the setting of the listed farmhouse or adjacent curtilage buildings.

Impact on Protected Species

5.30 A Bat Risk Assessment (revised in May, 2012) has been submitted with the application. This Assessment has concluded that as many of the agricultural buildings within the site are open, they could be used as feeding roosts. The building are also considered unlikely to be used as maternity or hibernation roosts for bats. Nesting birds were found to be using all accessible buildings.

5.31 The proposed development may possibly impact on a small number of bats using the buildings in the summer months, although with the exception of any foraging activity in the buildings themselves, it is not anticipated that the development would have a significant impact on foraging patterns of bat species in the immediate vicinity of the site.

5.32 The implementation of recommended mitigation measures as detailed in Part 8 of the Bat Risk Assessment (including precise details of the provision and location of any bat tubes and bat boxes) can be conditioned as part of any approval of planning permission.

Foul Sewage

5.33 A septic tank is proposed to be installed on-site which is considered to be an acceptable and appropriate means of dealing with the foul sewage within the application site.

Other Issues

Public open Space, Sport & Recreation

5.34 The LDF policies CP19 and DP37 require provision of facilities to meet the future needs of the residents. Where this can not be met on site, a contribution is sought for off site provision. In this case no contribution of facilities have been proposed and the scheme therefore fails the requirements of Policies CP19, DP37 and the adopted SPD

5.35 One objector has disputed the description of the 'pond' stating that it is a slurry pit. Having discussed this with the applicant, he confirmed that there was a degree of inadvertent manure contamination recently, but that this area of water has been used before this recent contamination by wildlife, including aquatic birds. This area of water to be used as a pond is existing and there is no evidence within the application to suggest that it would be enlarged or re-developed in any significant way. Therefore the existing description of this area of water as a pond appears to be accurate and its use for fishing is unlikely to raise any additional issues in relation to flooding or drainage issues. Details of any decontamination methods can be conditioned as part of any planning approval.

5.36 Concerns have been raised by some objectors that the granting of planning permission for the proposed scheme would set a precedence for development on the site and could lead to larger expansion in the future which may be difficult to refuse as the precedent for the development has already been established. Any increase in the size and scale of the proposed development in the future is likely to require planning permission, would have to be assessed on their own merits

5.37 In light of the above considerations, the application is recommended for refusal as there is no evidence to demonstrate that the beauty clinic or the managers dwelling comply with the LDF policy and no contribution has been made or planning obligation submitted in respect of the Open Space, Sport & Recreation needs of the dwelling

SUMMARY

The principle of the proposed development is considered acceptable. The proposals would not significantly affect highway safety and amenity, whilst the proposals are not considered to adversely affect the surrounding countryside, protected species, the setting of the listed building or neighbour amenity. The proposals therefore accord with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed development is contrary to the NPPF and the Hambleton Local Development Framework policies CP1, CP2 and CP4 as no evidence has been provided to demonstrate that a dwelling is required to meet an essential need or that a dwelling meets any of the exceptional criteria of the LDF policies and is therefore an unsustainable form of development
2. The proposed development is contrary to Hambleton Local Development Framework CP1, CP2, CP4, DP9, CP15 and DP25 as no evidence has been provided to show that the beauty clinic use can not be accommodated within a settlement in the hierarchy of CP4 and as a consequence gives rise to additional journeys and is therefore an unsustainable form of development
3. The proposed development is contrary to Hambleton Local Development Framework CP19, DP37 and Open Space, Sport & Recreation SDP as it makes no provision to meet the Open Space, Sport & Recreation needs of future residents

6.

12/01532/LBC

Application for listed building consent for alterations to existing farmstead building to form a cycle and refuse store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area. Retrospective application for change of use of part of dwelling to form a beauty clinic.

**at Girsby Hall Farm Over Dinsdale North Yorkshire DL2 1PP
for Mr G Turnbull & Mrs A Turnbull.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks listed building consent for proposed alterations and extensions to several curtilage buildings at Girsby Hall Farm in association with a proposed change of use of the site to tourist-related use, which is subject to a current planning application (12/01110/FUL)

1.2 The main element of the proposal seeks listed building consent for alterations and works associated with the conversion of a large agricultural building directly to the north of the farmhouse in order to accommodate no.4 holiday let units and associated facilities. The proposed conversion of this building would largely utilise existing openings within southern elevation, although the northern elevation would see more substantial alterations including the demolition of an asbestos-clad building adjoined to the northern elevation of the converted barns. An existing lean-to-style extension which is open-sided to the northern-elevation would be rebuilt so that it would have solid elevations. A single-storey projection on this elevation would also be altered to include a glazed entrance to the proposed converted building. New door and window openings would be created within this northern elevation. Conservation-style roof lights would be added to the north-facing and inner roof slopes, whilst solar and photovoltaic panels are also proposed on selected roof slopes of this range of buildings.

1.3 The plans and particulars also show that an existing timber overhang- to the southern elevation of another existing agricultural building – would be modified to provide no.6 lockable cycle lockers and enclosed refuse area. These would be of timber construction with a tiled roof.

1.4 It is also proposed to convert an existing redundant agricultural building - located directly to the west of the of the proposed holiday accommodation building - to 'site manager annexe accommodation' in association with the business. An extension would be added to the western elevation of this building.

2.0 RELEVANT PLANNING HISTORY

2.1 12/00255/FUL : Planning permission for the siting of 8 log cabins and cycle store, alterations to 2 barns to form manager's accommodation and 4 holiday cottages plus formation of car parking. Retrospective application for change of use of part of dwelling to form a beauty clinic. WITHDRAWN, April 2012.

2.2 12/01110/FUL : Change of use of agricultural land to leisure and tourism use, alterations to existing farmstead building to form a cycle and refuse store, alterations to 1 agricultural building to form manager's accommodation, alterations to 1 agricultural building to form 4 holiday cottages and a retail area, siting of 2 log cabins and formation of site car parking. Retrospective application for change of use of part of dwelling to form a beauty clinic. Change of use of a wildlife pond to form a fishing/wildlife pond. CURRENTLY UNDER CONSIDERATION

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council : No specific comments in relation to this application, although have commented on the planning application.

4.2 Site Notice :A Site Notice was posted on the front gates of the farmstead on 17 August 2012. No. A total of 12 individual replies (all objections) were received in relation to this application, although two individual response were submitted by the same individual. The issues raises are summarised below:

a) The siting of the proposed log cabins and other new construction close to or near Girsby Hall Farm would distract from the original appearance and beauty of the listed building and would not be in keeping with a building of such local historic value.

b) Internal alterations in relation to the Beauty Clinic element of the proposed scheme have already been undertaken without Listed Building Consent.

c) Reference made to future intention of applicant's to expand the business, inadequate road access, increased wear and tear and congestion of the local road network, the poor state and inadequacy of the local road network, impact of additional traffic on the highway verges. road user safety, incompatibility with neighbouring agricultural businesses, lack of local amenities for tourism, issues related to the retail element of the proposed scheme, issues relating to noise, disturbance and light pollution including impact on the tranquillity of the surrounding area, issues relating to fire regulations in respect of the retrospective beauty clinic element of the proposal, details and issues relating to the pond.

d) Issue relating to the Site Notice and publicity of the application.

4.3 HDC Conservation Officer : No objections.

4.4 Council of British Archaeology : No response received.

5.0 OBSERVATIONS

5.1 Applications for Listed Building Consent are considered in terms of the impact that the proposed works would have on the historic and architectural character of the listed building (as well as any curtilage buildings) , including any alterations to the historic fabric of the building(s).

Background and Context

5.2 The farmhouse at Girsby Hall Farm is a grade II listed building, whilst the surrounding agricultural buildings are 'curtilage buildings' by virtue of their location within the farmyard of the listed farmhouse. Therefore alterations and works to either the listed farmhouse of the curtilage buildings that are considered to affect their character require listed building consent.

5.3 Reference has been made in the description to the retrospective change of use of part of the listed farmhouse for a beauty clinic business. Change of use can only be considered through a planning application – not Listed Building Consent. There is no suggestion within the plans and particulars that any internal or external works associated with the Beauty Clinic business have taken place that would materially affect the historic fabric of the listed building or its character.

Impact on the Character and Historic Fabric of the Curtilage Buildings

5.4 The proposed conversion schemes of the brick-built range of former agricultural buildings and that of the proposed Manager's Annexe Accommodation have been designed to respect the traditional and historic character of the buildings with minimal impact on their historic fabric. The brick-built range of buildings would be converted with only a small addition to the building's footprint in the form of a glazed entrance, thus retaining the form of the building. Where possible, the roof tiles and bricks would be re-used within the building as part of the conversion scheme, whilst new window and door openings are proposed, particularly within the northern elevation of this range of buildings, they would be done in a sensitive and unobtrusive manner, using traditional fenestration and timber windows, doors and frames.

5.5 A relatively large number of roof lights are proposed to be installed in the roof slopes of this range of brick buildings, however in consideration of the large area of roof space of this range of buildings and the fact that the roof lights are proposed to be in the conservation-style, this is not considered unacceptable in terms of the traditional character and appearance of the building. Some of the proposed drawings show photo-voltaic panels on the roof of the roof slopes of this building. Given the traditional character of the building and its close proximity to the grade II listed farmhouse, any photo-voltaic or solar panels should be located on the inner (south-facing) roof slopes of the building so that they are largely hidden from view as viewed from the ground. The precise number of location of any solar or photo-voltaic panels can be conditioned as part of any listed building consent.

5.6 The removal of the asbestos-roof building to the north of the brick-built range of former agricultural buildings would represent an improvement in the overall appearance of this curtilage building and should be seen as an enhancement in this regard. The addition of cycle and bin stores is not considered to adversely affect the character and appearance of the respective curtilage building, although precise details of materials and colour finishes should be conditioned if listed building consent is to be granted.

5.7 The proposed conversion scheme of the former agricultural building to form ancillary annexe accommodation for the Site Manager is also considered to be sensitively done and would involve the enhancement of a former agricultural building which has fallen into a state of disrepair. Notwithstanding this, if listed building consent was to be granted, precise details of the railings around this building should be conditioned to ensure that an appropriate design and sensitive materials are used.

Issues Raised by Consultees

5.8 As outlined in section 4.2 (c) of this report, many objectors to the application have raised planning-related issues such as highway safety/amenity, amenity and issues, etc. Only issues relating to the impact on the character and historic fabric of the listed building (including curtilage buildings) can be taken into account in the considered of this application. Therefore any planning-related issues are not applicable in the consideration and determination of this application. Similarly, issues relating to the setting of the listed building can only be taken into account of the consideration of a planning application, not Listed Building Consent application.

5.9 One objector has questioned whether a valid site notice was posted adjacent to the site for this particular application. The Planning Officer can confirm that a Site Notice specific to this application was posted on the gate posts of Girsby Hall Farm on 17.08.2012 at the time of the site visit with the applicant.

SUMMARY

The proposed works and alterations would not adversely affect the character or historic fabric of the respective curtilage buildings. The proposed works are therefore considered to accord with the policies set out in the Local Development Framework and the National Planning Policy Framework (NPPF) It is therefore recommended that Members grant conditional Listed Building Consent for this application.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The works hereby granted listed building consent shall be begun within three years of the date of this consent.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and particulars received by Hambleton District Council on 20 July 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to the commencement of the works hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, refacing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the proposed conversion of the disused agricultural buildings. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.
4. All new external surfaces of the proposed converted buildings shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works.
5. Prior to the works commencing, details of the design and materials of all external doors and details of the windows, including cross sections of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed doors and windows shall conform to that approved specification.
6. Prior to the commencement of the works, precise details/specifications of the proposed solar and photo voltaic panels as well as a roof plan showing the precise number and positions of the proposed solar and photo voltaic panels shall be submitted to and agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. In order that the works are undertaken in a form that is appropriate to the character and appearance of the listed (curtilage) buildings and the relevant Development Plan Policies.
3. To ensure that the works are undertaken as a conversion in accordance with the LDF Policies noted above.

4. To ensure that the historic character of the listed (curtilage) buildings are maintained in accordance with policy DP28 of the Hambleton LDF.
5. To ensure that the appearance of the windows and doors are appropriate to the character and appearance of the buildings concerned.
6. To ensure that the appearance and position of the solar and photo voltaic panels are in keeping with the character of the buildings concerned.

Parish: Great Ayton

Ward: Great Ayton

Committee Date : 11 October 2012

Officer dealing : Mrs B Robinson

Target Date: 3 July 2012

7.

12/00981/FUL

Siting of a wind turbine (24.6M mast) as per amendments received by Hambleton District Council on 16th July 2012.

**at Angrove West Farm Great Ayton North Yorkshire TS9 6QA
for GW Marsay & Sons.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application was deferred from the Development Control Committee of the 13 September, in order to clarify some issues with the photographic images of the proposed turbine. The applicant has now submitted revised montages using newly acquired computer software. The software uses a digital terrain model and allows the turbine to be accurately placed and scaled using grid co-ordinates and size specifications.

1.2 The site is on a farm approximately 600 metres beyond the eastern edge of Stokesley. The proposed site is a field, roughly triangular in shape, to the north of the farm buildings and a caravan storage area which lies immediately north of the buildings.

1.3 Access to the farm is via a track, approximately 620 metres long, from the A173 Great Ayton road. There is a further track northwards to the A172 Middlesbrough Road via Quakers Grove. A public footpath runs roughly east-west approximately 240 metres south of the farm. A portion of the footpath to the east of the farm is on the elevated banks of the flood diversion channel. There is a linked footpath running southwards along the flood diversion channel to the main road and beyond.

1.4 Neighbouring properties are Winley Hill Farm to the north-east, and Quaker Grove Farm to the north. On the Stokesley side there are two residential properties, Oaklea and Mill Riggs on the east side of the A172, together with Strikes Garden Centre.

1.5 The surroundings are generally open and gently rolling agricultural land, with the North York Moors rising 2 - 3 miles to the east. There is a block of woodland on gently rising land to the north. Roadside boundaries are generally hedged.

1.6 The proposal is a wind turbine, 24.6 metres to hub, with 3 blades 9.6 m radius (diameter 19.2 metres), and maximum height to blade tip of 34.2 metres. The base of the main structure is 1.8 metre diameter, tapering to 350 mm under the hub. The colour is RAL 9003, which is a shade of white. The rated power is given as 50kw @ 9.5 m/s. It is stated the energy produced will supply the current needs of the farm together with a grain dryer currently power by a diesel generator, with any surplus sold on to the national grid. Construction will be via the existing access from the A173.

2.0 RELEVANT PLANNING HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Councils - The site lies within the Parish of Great Ayton (22.5.2012) No observations

(15.8.2012) (amended plans) No further observations.

(29.09.2012) - "Visiting the site, representative from the Great Ayton PC was concerned that the height of the machine was truly enormous even though demonstration of the height was unable to be achieved for the site visit.

However surely there has to be a consideration of the economic equation in respect to "small" wind power generation units. The applicant in response to his power consumption told the site visit attendees, that the farm had a very large power loading. The latter is probably true if in the unlikely event ALL the farm's machinery was operational at the same time. The reality is that a machine of more modest proportions - power output, height and the like, would meet the requirements of the site with a reasonable export potential. The current application when compared in economic/generation terms is probably balanced as a major exporter with an massively over capability to meet reasonable power requirements of the site. The latter is at the expense of negative visual impact to the North Yorkshire countryside (especially for local residents.) Granting approval for export led wind power generation is not only grossly unfair to local residents but has major consequences for our countryside. The LDF is founded on a principle to protect the environment in which we live - which includes the unique rolling farmland interspersed with farm steads. Renewable energy plant including wind power generation can be introduced without enormous impact to the environment but only if such plant is of modest proportions meeting the need of the immediate site and not an industrial power generation plant built to generate income for the owner."

Stokesley (28.6.2012) Concerns – views of local residents should be taken into consideration. Query whether this will be the first of many. Possible eyesore.

(29.8.2012) Object. The impact on Stokesley residents is far greater than on Great Ayton residents. Walker using the footpath from Stokesley to Great Ayton will have a full view of the turbine. Views of residents of Stokesley must be considered particularly those living on Roseberry Avenue and Quakers Grove.

4.2 Ministry of Defence - no objection

4.3 National Air traffic - no safeguarding objection to the proposal

4.4 NYCC Highways – condition requested (routing of construction traffic)

4.5 NYCC Public Rights of Way – No impact on public rights of way in the vicinity.

4.6 Environmental Health – The scheme submitted in support of the application achieves the required reduction in noise (LA90, 10min of 35dB (A) up to wind speeds of 10m/s at 10m height) and therefore loss of amenity is unlikely at the nearest noise sensitive receptor. Therefore, Environmental Health has no objections to this proposal.

4.7 Neighbours and site notice – objections received.

i. Strong objection

Very obtrusive, local assets spoiled. Exposure of residents to noise as well as visual aspect (ref to spoiling of Seamer and Hilton)

ii. Not publicised properly. Turbine is in direct line of sight less than a quarter of a mile away. Query re steel structure on site erected some years ago without public consultation.

iii. Naming of nearest premises incorrect. Winley Hill is within 300 metres. Operational noise. Setting sun and flicker effect. The Design & Access statement is not credible

(NB – name of Winley Hill Farm was corrected on a subsequent amendments to the Design and Access statement. Distance to Winley Hill farmhouse is 330 as measured on the Councils computer based measuring system.)

iv. No objection in principle. Height not in keeping - and query whether the height is justified. Other enterprises have smaller units. It would be better on east side of farm and would have less visual impact. Stokesley PC should be consulted.

v. In views from Stokesley, there is an open aspect against the backdrop of Cleveland Hills and Roseberry Topping. There will be a significant visual impact on roads passing the site and also by users of the Mill Riggs footpath. The proposal is twice the height of buildings and grain dryer. Positioning on other (east) side of farm buildings would be better and less visible to residential properties. Concern at lack of early contact.

vi. Turbine excessively high, located on high land.

vii. The proposal is contrary to DP30. The photomontage number 3 is incorrectly labelled (para 4.5) Car park at Mill Riggs in fact approx 510m
(NB incorrect labelling to photomontages corrected in later amendments to Design and Access Statement)

viii. The dwelling of Oaklea is at a distance of 400 metres to back wall - this would be obtrusive.

Doubt that sound will be as low as suggested - this has caused problems elsewhere

No statement with regard to construction access.

Detrimental to rural character.

5.0 OBSERVATIONS

5.1 The proposal makes provision for renewable energy generation and thus fits criteria v. of CP4 and can be considered as a potential exception to the principles of CP1, subject to CP2 and other relevant policies of the Local Development Framework. CP18 seeks to maximise use of renewable resources subject to the effect on the natural and man made assets (CP16, DP30, CP17, DP32) and consideration of any necessary mitigating or compensatory measures to address any harmful implications. The amenities of nearby occupiers (CP1 and DP1) will be an important concern.

Design

5.2 The turbine has the tapered shape and gentle curved blades typical of its type and in general terms the design of the structure is acceptable. The position of the turbine is logically related to the farm which it is intended to serve, taking into account that a certain amount of separation is required for safety, and for wildlife protection.

Impact on the landscape.

5.3 In terms of the local topography the turbine will have little direct effect in that it does not require any significant excavation or mounding and can utilise existing farm tracks. It will stand within in a relatively small field with existing hedges.

5.4 The main effect on the landscape will be impact on the local settlement of Stokesley to which it is closest, including the setting of the town, and on its designated conservation assets; the visual effects on users of the local footpath network, and their perception of the local landscape; and the impact on views of residents of nearby dwellings.

5.5 With regard to the setting of Stokesley, the outer eastern part of the town is characterised by C20th housing and other development and does not have any special or particular architectural qualities that would be harmed by the proposed structure.

5.6 The historic core of the town and the designated Conservation Area and numerous Listed Buildings will not be affected by the proposed development, other than glimpses from East End across the showground. The historic parts of Stokesely with thus not be significantly affected.

5.7 Users of the footpath network will perceive the turbine within the wider landscape. Moving eastwards out of the town from Mill Riggs walkers experience a broad view of an open landscape, with small rises and falls, between woodland on rising land to the north and the line of the Cleveland Hills and the local landmark of Roseberry Topping to the east. Views of the turbine will become increasingly peripheral with movement eastwards, with the lower parts of the structure disappearing as the morphology changes, and become screened by the farm buildings. The landscape features of the hills of the North York Moors will continue to be the dominant features. On moving westwards along the footpath, walkers will have their back to the main landscape features and will experience the turbine in the context of the approach to the built up area of Stokesley. On moving northwards along footpaths the turbine will be perceived as part of the farmstead, with lower parts screened by buildings. Overall the effect on the turbine will not be significantly harmful to the enjoyment of the natural landscape experienced by walkers.

5.8 The effect on landscape perception or views is mainly related to occupiers of properties facing eastwards particularly the Roseberry Avenue and Meadowfields area, and the isolated properties on the east side of the A172 ie Oaklea and Mill Riggs, and from Quakers Grove to the north of the site, and to a lesser extent, Winley Hill, to the east.

a) From Roseberry Avenue and Meadowfields, the properties tend to have local screening by intervening hedges which obscures a general view of the wider landscape from ground floor rooms in particular. From upper rooms the turbine will be within the landscape view.

b) The orientation of Mill Riggs is mainly towards the south and the turbine will not interrupt the perception of the landscape from this direction.

c) From Quakers Grove and Oaklea the turbine will be a conspicuous feature in views of the wider landscape.

d) From Winley Hill the main orientation of the house is north and south and the turbine will be offset from the main outlook.

Amenity – outlook and views

5.9 It is well established in planning that there is no inherent right to a view as such and consideration of the impact of the proposal on the landscape views from affected property will depend on the extent to which the proposal would have a harmful effect on the enjoyment of the residential amenities there.

In the case of Quakers Grove, the turbine is at approximately 312 metres and will be at a central point in a wide view backed by the Cleveland Hills. The submitted landscape assessment notes that the turbine will be higher in the perspective than the hills. Given the relatively wide angle of view available, the slight height advantage of the residential property, and the opportunity for screen planting at close quarters to mask/mitigate the effects of the turbine, the harm to amenities arising would not justify refusal.

5.10 In the case of Oaklea, the turbine is at approximately 370 metres from the rear face of the dwelling, slightly to the north-east of the direct line of sight and will be very clearly in view. It is also the case that the property has an unusually large plot and a wide field of view into open countryside. Existing views to south-east and south would remain uninterrupted by the turbine. There is an opportunity to mitigate the effects of the turbine on views by strategic planting and overall the effects of the proposal on this property would not justify refusal.

5.11 Winley Hill farmhouse is approximately 330 metres away (by the Councils measurement) and is understood to have main windows north and south respectively. The

turbine would be to the north west of the site and is not considered to be prominent in the main outlook and not greatly harmful to residential amenities therefore.

5.12 From properties on the west side of the A172, the main impact is from upper rooms and is not considered so harmful to daily amenities of living in the property that the effect on outlook would justify refusal.

Other amenity issues

Movement

5.13 In all cases the impact on views and setting needs to take account of the breadth of the circle made by the blades, and movement. Though the circle described by the blades is proportionately wide compared with the overall height, it will appear to be relatively slow moving, and will not be so additionally harmful to the impact of the turbine as to justify refusal on this basis.

Noise

5.14 A technical assessment of noise is submitted with the application and has been considered by the Councils Environmental Health to meet an acceptable standard and will not result in unacceptable loss of amenity through noise.

Shadow Flicker

5.15 The submitted Design and Access statement notes that the shadow flicker has only been known to occur within 10 rotor diameters distance of the turbine (in this case 192 metres) and that all the potentially affected properties are outside this distance.

Cumulative effect

5.16 There are wind turbines at Kirby which are much smaller and have little effect in conjunction with the proposed turbine. There are very large commercial turbines at Seamer, and particularly on approach from Great Ayton would be seen in conjunction with this turbine. The turning blades of the Seamer turbines being so large the proposed turbine would be seen in passing as a relatively modest addition in the foreground, and in the setting of the distant, larger turbines, the cumulative effect would not be critically harmful.

Distant views from the National Park

5.17 The North York Moors National Park (NYMNP) is a designated high quality landscape of importance. As has been seen, due to its relative proximity, the turbine is closely related to the town of Stokesley rather than the remote rural areas closer to the NYMNP and its appearance is not harmful to the park landscape. The near parts of the NYMNP are elevated and views outwards from the Park will view the turbine at an angle from above. Taking into account the existing development in and around Stokesley, including agricultural buildings and other industrial buildings, the large turbines at Seamer, and distant views of the industrial landscapes at Teeside, the proposal will be a relatively small feature that is not inappropriate to the non-designated landscape visible below the NYMNP boundary.

Neighbour observations

5.18 Comments from neighbours primarily relate to the effect on outlook, which is considered above, also noise and possible flicker nuisance which are also discussed above and these matters are not considered to justify refusal.

5.19 With regard to alternative sites. Positions to the south of the buildings have been discussed but are compromised by existing hedging and wildlife implications which would require the turbine to be sited closer to the settlement and would be more prominent in passing from nearby roads. With regard to siting on land to the east, this would potentially be more prominent and/or intrusive on Winley Hill Farm. Alternative sites owned by the applicants on the opposite side of the A172 are stated to be less practical and viable due to additional costs that would be incurred to install 3 phase electricity and cabling.

5.20 With regard to concerns about noise and absence of background noise surveys for this site, the Council's Environmental Health officer has provided a detailed technical explanation that is available for public access on the Council's website.

5.21 With regard to the capacity of the turbines, referred to by Great Ayton PC, detail previously supplied by the applicant is that Angrove West farm uses around 120,000 kWh pa, excluding grain dryer, which would add 15%, total 138,000 kWh pa. The proposed turbine would produce 142,000 kWh pa. On this basis the electricity produced would be broadly equivalent to that used on site.

5.22 The revised photomontage were received on 24 September and consultation to neighbours was issued on 25th September at the time of writing this report no additional comments have been received as a consequence of this additional consultation.

SUMMARY

The proposal provides for renewable energy generation and due to its siting and design will not have an unacceptable harmful effect on the amenities of the local landscape or nearby occupiers and is able to comply with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered E3120 - 50kw Monopole Rev A and Location Plan received by Hambleton District Council on 8 May 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic, in particular any abnormal loads, have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The wind turbine and supporting structure and any associated plant or equipment shall upon ceasing to be used for the generation of electricity be removed as soon as reasonably practicable and in any event within 6 months of cessation of electrical generation, unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16 and DP32.
3. In the interests of highway safety and the general amenity of the area.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP32.
5. To avoid a proliferation of redundant structures in the landscape in accordance with the Local Development Framework policies CP1, CP16 and DP30.

8.

12/01554/FUL

Installation of anaerobic digestion facility to provide combined heat and power plant (CHP) including the construction of a silage/digestate clamp, siting of digester, formation of a lagoon, siting of a CHP plant in a shipping container, construction of flare stack and ancillary access roads, provision of landscaping and electricity grid connection as amended by plan received by Hambleton District Council on 6 September 2012. at Bonnie Hill Dairy Farm Great Broughton North Yorkshire TS9 7EY for JFS & Associates.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a farm approximately 1 km south west of Ingleby Greenhow. The farm lies between the Broughton–Ingleby road to the north, and the Waterbeck Lane between the Helmsely Road and Ingleby. It can be approached by an access track from Waterbeck Lane, (approximately 400 metres), and from the north (approximately 900 metres), from Lambs Lane. The farm includes a house and a range of agricultural buildings. There are public rights of way running north-south and eastwards, from the farm. The surroundings are open countryside. There is a farm approximately 350 metres south east, and fishing lakes approximately 350 metres away, also to the south east.

1.2 The main farm holding includes approximately 210 acres on a life time tenancy at Bonnie Hill and 30 acres in full ownership.

Land and buildings are rented (farm business tenancy – 10yrs) at adjacent land at Meynell Hall, immediately to the north west, and near Beck House, immediately to the south.

A building is rented at The Grange, Great Broughton (3 year rolling tenancy, on 1 yrs notice).

1.3 Livestock on the farm includes 650 pigs and 30 calves at the Bonnie Hill site, 760 pigs at The Grange Great Broughton, 100 bulls and 130 calves at Meynell Hall.

1.4 At Bonnie Hill there is a milk bottling plant serving a dairy herd which are on lease to other local farms. There are also 30 horses on site.

1.5 The proposal is an anaerobic digester, producing electricity from methane resulting from the fermentation of animal waste mixed with grass or maize silage. As well as the electricity, the process results in a nitrogen rich digestate in solid and liquid form, which will be used on the land. Heat produced is intended to be used in the bottling process. Electricity produced will be used on the farm, and the majority sold on to the grid.

1.6 The main structure of the digester is a round container (diameter 24 metres) with a domed top (maximum height 11 metres), coloured green. There is a pump house and conveyor 53 m³ into the digester contained in an overall structure approximately 6 metres sq.

1.7 There is a flare stack (max height 10 metres) as a safety device for burning off methane (if required) and a shipping container containing the combined heat and power plant. Ancillary development includes storage bays overall size 30 x 86.4 metres with containing walls 2 metres high. The bays will contain silage manure and digestate. There is a lagoon for liquid digestate 30 x 50 metres capacity 4000m³. The lagoon is contained in a bund 2 metres high.

1.8 The location is approximately 80 metres east of the existing farm buildings, on the east side of the beck. It is accessed off the existing farm track.

1.9 As amended, the proposal includes the diversion of a footpath which travels eastwards across the site, from the beck. The amendment includes a shift eastwards of the overall site by approximately 5 metres and the footpath is diverted closely around the southern side of the development and at the suggestion of the footpath officer at NYCC, it rejoins the existing system at the junction of paths 15 and 16, approximately 100 metres north east of the south east corner of the site.

1.10 Hedge planting is proposed along the south and east boundaries.

2.0 PLANNING HISTORY

2.1 2/97/076/0138 - Construction of an agricultural building for the accommodation of livestock. Permission granted 6.5.1997.

2.2 2/02/076/0138A - Construction of an agricultural building for storage purposes. Permission granted 20.6.2002.

2.3 04/02057/FUL - Change of use of agricultural land to equestrian use and construction of a manège and installation of four floodlights. Granted 08.12.2004

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP15 - Rural Regeneration
- Development Policies DP26 - Agricultural issues
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Development Policies DP34 - Sustainable energy

4.0 CONSULTATIONS

4.1 Parish Council – Comment that the application is large industry project not an agricultural one and will need a profitable return. The application can be seen from a public road and also off single highway track serving houses and is not designed to accommodate any more traffic.

Safety issues – methane is flammable – high risk of fire and explosion.

Concerns

Smell - smell in Great Broughton and Ingleby Greenhow

Noise – query whether noise will result

Pollution – slurry will have to be hauled over the Beck. Will the open lagoon be toxic.

Query how much manure is required and can this be supplied from Bonnie Hill farm.

Waste – where will it go. If spread on the land this will run into land drains and waterway causing pollution smell and killing fish.

If no one employed to run the project who will be responsible for safety in the event of an incident eg fire, explosion, leaking from tanks.

There are misleading statements in the application.

Request site visit.

Is a full Environmental Impact assessment to be done.

(Following amended plans) - "The Parish Council all agreed on a safety issues that the footpath is to near the site Why was the footpath not on the first application. Also have NYCC been consulted on the change of route. Should not a change of route for a footpath not be on a planning application of its own."

4.2 Environment Agency – No objections (Informative re standard requirements)

4.3 NYCC Highways – conditions requested.

4.4 NYCC Footpaths – (consulted following submission of details of diversion) - awaited

4.5 Environmental Health – Noise – container should have ventilation grilles facing Bonnie Hill Farm. Operational noise is relatively low, however potential for noise from loading hopper 2 x daily should be accommodated by a condition limiting to between 7 am and 11 pm. Good management practise will be needed to ensure no noise or odour nuisance arises, and applicant should be advised that this will be their responsibility and not a defence against the local authority in the event of a statutory nuisance arising at neighbouring properties.

4.6 North York Moors National Park Authority – “The proposed development site is within 0.8km of the boundary of the North York Moors National Park and is visible from important view points on the Cleveland Hills including Clay Bank car park and the Cleveland Way as such could have a detrimental impact on the setting of the National Park. It is suggested that the proposed hedge planting around the site be re-enforced with more substantial planting to break up the form of the development which is of a relatively industrial character.

On this basis the North York Moors National Park Authority has no objections to the proposed development as it will have no detrimental impact on the special qualities of the National Park.”

4.7 Neighbours and site notice

1.

i) Methane potentially hazardous also hydrogen sulphide as byproduct, with bad smell. No reference made to potential hazard in Design and Access Statement. Would expect a full Hazard and Operability Study.

Procedures needed for professional control of the process. (Listed)

Query re footpath – omitted from form. Visibility – can be seen from the Waterbeck track.

ii) Background of applicants confirms this is for a major industrial process on a farm site. Could be precursor to a much bigger operation, leading to further import of waste. This process cannot be interrupted, and any malfunction would result in a rise of gas pressure and extensive flaring which would be seen for miles. Surprised at views of Environment Agency, EIA needed and Health and Safety Agency should be involved.

iii) (as above) and already sewage waste is being imported. PC advise there have been complaints of smell in Ingleby as a result of storage and handling of this waste. Potential for noise smell and highly visible flame nuisance.

iv) With regard to amended plans showing footpath around edge of site – this is a hazard due to toxic and flammable gases (hydrogen sulphide) present round the surface of the slurry pit. Supply of fuel vulnerable to change in stock levels and would require import of materials. There is a problem of disposal of digestate which has a higher concentration of nutrients than normal FYM. Excessive application will lead to leaching of nitrates phosphates and potassium into the water courses. Concerns about where responsibility will lie between landlord, tenant farmer, and investment company.

2.

i) Fishery is supplied by beck and pollution will devastate fish stock. Object to both size and location of this industrial plant. Why is it situated so close to fishery business. Land nearby is subject to flooding from the beck. See no reason why an alternative site could not be found well away from the beck and its flood plain.

ii) (Cowling, nearby farm) Large industry taking advantage of a family farm. Queries re foul sewage – piping around silage pits would be normal to catch seepage and stop contamination. Flood risk – stated to be more than 20 metres of water course, but digester is closer. Employee would be needed to run the digester who understands the process. Should be a person with training. Large amounts of material will need to be brought in as Bonnie Hill

Farm will not produce enough waste, route will be through Great Broughton. Detail needed of quantity of land to produce sufficient materials, how much land to dispose of waste product.

Not all land is Bonnie Hill land – short term tenancies might not be renewed. Will slurry be brought in from dairy animals on other farms.

Liquid slurry in existing store will need to be hauled over the beck to the unit – significant risk to the beck. As next door farmer the beck serves cattle and any pollution will be here first, as well as fishery which is owned as well.

3.

Appears to be on an industrial scale, and larger than needed for this farm. Inevitable that waste will be brought in from other farms, with resulting heavy vehicles on tiny roads which are inadequate. Site is an area of beauty close to the National Park. Little Broughton beck liable to become polluted.

4.

Correction – site is within 20 metres of watercourse. Off site storage of waste raises issue of smell and vermin and rats. Site can be seen from the Waterbeck road and footpaths in the area. Close to NYMNP and will be visible from there. Doubt whether materials can be supplied from Bonnie Hill farm and stock. Bonnie Hill has a pig unit on the outskirts of Great Broughton – clearly indicates that materials will be transported into the site on a regular basis and raises a traffic issue – Waterbeck Lane single track not designed to accommodate the current traffic and has blind spots. Surface poor. Development incompatible with surrounding countryside. Safety issues are a concern.

5.

Waterbeck farm track is actually a busy minor surfaced road. Proposal is compatible with sustainability policies. Location is area of considerable beauty with a strong tourist industry and is close to the National Park.

6.

Environment Agency document states the permitted activities must not be carried out within 250 metres of an off site building used by the public including dwelling houses. This is significantly closer. Surprised to see that the EA do not object. EA identify a number of possible hazards, Despite the EA classifying these hazards as low probability, they will only be low if the facility is properly operated and maintained. How can this be guaranteed? Heavy duty traffic industrial traffic will be require to support the facility during construction and operational phases, causing congestion and damage to road surfaces. This industrial facility will have a significant detrimental effect on the value of properties.

5.0 OBSERVATIONS

5.1 The proposal is a scheme for generation of renewable energy and as such can be considered under CP4 and DP34, subject to other relevant policies of the Local Development Framework. The proposal is primarily a farm diversification activity, in that the majority of the energy produced is sold off the farm. As a diversification activity it is in accordance with CP15, DP26 as it utilises raw materials generated by agricultural activity and in the supply of electricity and heat to the existing farm, will help to sustain the existing agricultural enterprise. The main issues to be considered are therefore the impact of the development on the rural surroundings (CP16. DP30) and the amenities of nearby residents (CP1, DP1) together with any impact on highway safety.

Impact on the surroundings

5.2. The development is sited fairly close to the existing group of buildings, and has the benefit of being along side some fairly mature trees and is approximately 300 metres from the nearest road. Where the building is in view it will therefore be relatively distant and comparable in scale with the conventional type of agricultural building, and particularly taking into account its green colouring, it will not be unacceptably prominent, or obtrusive. The development will be seen from footpaths nearby but there is scope to provide hedging to screen the site, and in the context of the existing farm with livestock, will not be an

inappropriate feature in the surroundings. The site may be picked out from vantage points within the NYMNP, but with the proposed green colouring will not be more obtrusive than other agricultural structures. As noted above in the comments of the North York Moors National Park Authority additional planting can be used to mitigate the visual impact on the landscape and can be required by planning condition.

Amenity

5.3 The site is a rural location and the nearest dwelling is a farm, at Beth Haven, approximately 350 metres away. With regard to the amenities of nearby occupiers, the general management of farm yard manure, and its storage is an activity common to farm operations, and although there will be an additional activity in this case, ie loading into the digester, this is not expected to be more onerous. With regard to noise, the noise produced by the heat and power plant has been assessed from a technical point of view using the expertise of the Environmental Health officer, and particularly if the insulated container is orientated with its air vents towards Bonnie Hill, it will not have an adverse effect on neighbouring properties. A precautionary condition is suggested to ensure that loading activity does not take place at night time, which the applicant has agreed to. The product of the digester (the digestate) is inert and not malodorous, and its eventual spreading on the land will involve far less smell than is usual when using raw manure or slurry. Overall therefore, the functioning of the digester, the day to day activity associated with it, and the spreading of the digestate on the land will not have an adverse effect on the amenities of residents.

Highway issues

5.4 The raw materials to fuel the digester are farm yard manure and grass and other crops that will in any event be transported back and forth for storage and onward disposal, as necessary. Some of the materials, particularly straw based pig manure are immediately to hand at Bonnie Hill. Some will be transported from Bonnie Hill pigs based at Grange Farm, and cattle manure from Meynell.

5.5 The applicant has confirmed that the present arrangement is that fym from the 'off site' operations is currently brought back to Bonnie Hill to be stored in and around the main farmstead, and the additional 'onsite' processing in the digester will not materially increase the number of traffic movements through local lanes.

5.6 Delivery and storage of the crops intended for the digester will take place at the time of year and with the brief intensity of traffic movements that is common to all agriculture of this type and will not typically increase traffic movements.

5.7 The construction period will result in additional traffic in the short term, but this would be the case for any new development at the site, and will not be sustained.

Neighbour observations

5.7 Neighbour observations relate primarily the ability of Bonnie Hill to supply the digester with fuel, amenity concerns including, smell and risk of pollution, traffic and highway safety, and safety risks.

Capacity to produce fuel

5.8 Technical data showing the requirements of the digester show that the main need is for 3050 tons of pig manure, 2068 tons of cattle manure (which the applicants note will include bedding material).

Based on the information provided (ABC book) the pigs concerned might produce approximately 2 tons of slurry each pa and 1500 pigs would produce the required amount of raw waste about 3000 tonnes without straw, and thus the total amount of pig manure available from the 2 sites in Mr Barthrams control will produce a surplus for the needs of the digester.

Similarly, for cattle waste, at an average production of 9 tons pa for adults and (say) 6 for calves, the beef cattle and calves reared indoors at Meynell will produce a total in the order

of 1700 tons, which together with the straw component will be able to provide the required amount of fuel. The applicant has confirmed that the farmer retains the use of the manure product of the dairy cows housed offsite, which will offer a further resource.

5.9 The technical data submitted indicates 2,700 tons of grass silage and 600 tons of wheat silage is required.

The data sheet indicates that @ 36.84 tons per ha, 16 ha (40 acres) is required to produce the wheat required, which is well within the current production area (shown as 200 acres).

The data sheet shows that @ 31.25 tons per ha 86.4 ha (213 acres) of grass is required.

Bonnie Hill farm is indicated to have 60 acres of grass at present, but based on the submitted figures for current crops is capable of producing the grass silage required.

(applicants figures indicate 150 acres required at 18/20 tonnes per acre).

Overall it is apparent that there is capacity within the land controlled by the farmer concerned to provide fuel for the development.

5.10 Amenity and smell concerns are addressed above, and the information of particular note is that the output of the digester is both inert with regard to smell and retains its nutrient value to the soil and can thus be spread without additional smell nuisance. Any smells involved with the movement and storage of the raw materials will be similar to the normal experience of this type of agriculture and in this location is considered acceptable. It has also been pointed out by the applicant that the produce of the digester will remove or reduce the requirement to use the pasteurised sewage waste which has caused adverse comment in the past. The digester is not classified as requiring a formal Environmental Impact Assessment.

5.11 With regard to concerns about leakage, the lagoon is a butyl lined lagoon with earth embankments of a type common to agricultural facilities of this type and is not more susceptible to leakage than others. With regard to leakage from the digester, this is of necessity gas-tight, and will not be prone to leakage. The manure is a mix with bedding and in solid form and can be transported by the usual means without affecting the beck.

5.12 Traffic concerns are addressed above, and there is no reason to suppose that the supply of the digestate will result in significantly more traffic on the rural road than will normally be required to move and store animal waste.

5.13 Whilst the physical safety of the plant is not a planning matter, the applicants have indicated that the contractual and commissioning arrangements provide for a 6 month training period by the technology provider of the farmer responsible for the day to day operation, after which there will continue to be access to back-up. There are also scheduled and regular maintenance activities built into the contract and which cover the whole operational life of the plant.

SUMMARY

Due to its capacity to use farm byproducts, its location close to the existing farmstead and inconspicuous design the proposal will be an appropriate development for this rural location and will not have a harmful effect on the amenities of neighbours or the surrounding countryside and is able to comply with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P106 rev P6, P116 Rev P3 received by Hambleton District Council on 28 September 2012 unless otherwise agreed in writing by the Local Planning Authority.

3. The development hereby approved shall not be operated except by means of materials sourced from land or livestock under the ownership or control of Bonnie Hill Farm.
4. The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.
5. No development shall take place until the Public Right of Way diversion has been confirmed.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
7. A landscaping condition is to be added to require mitigation planting as detailed in the report above.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 DP32.
3. To enable the Local Planning Authority to assess the impact of any other such means of operation, in accordance with the relevant policies of the Local Plan.
4. To maintain the public right of way.
5. To maintain the public right of way.
6. In the interests of highway safety and the general amenity of the area.

Parish: Rudby

Ward: Rudby

Committee Date : 11 October 2012

Officer dealing : Mr Ian Nesbit

Target Date: 13 August 2012

9.

12/01252/FUL

Revised application for demolition of existing bungalow and construction of replacement dwelling.

**at Crossways Middleton Road Hutton Rudby North Yorkshire
for Mr Karl G Finch.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks planning consent for the demolition of the existing bungalow and the erection of a replacement two storey dwelling house.

1.2 The proposed dwelling house would have five bedrooms and would be two-storey in scale with two dual-pitched roof projections extending out from the principle (east-facing) elevation. Between the two projections would be a lean-to style canopy above the front entrance door. The north-most projection would contain a double garage door providing access to the integral garage, whilst the south-most projection would have a bay window. The dwelling has been designed to have an external chimney stack to the side (south-facing) elevation, whilst on the rear (west-facing) elevation a single storey 'Garden Room' element would be erected. There would be ground floor and first floor window openings installed in all elevations. The replacement dwelling would be brick-built with uPVC windows and external doors. No specifications of the roof covering(s) have been provided, although the applicant is happy to negotiate with the local planning authority with regards this. Samples of materials could therefore be conditioned as part of any planning approval should planning permission be granted.

1.3 The main body of the dwelling house would measure approximately 12 metres in depth, 16.4 metres in length (including external chimney stack) with an eaves height of 5.2 metres and a maximum ridge height of approximately 8 metres respectively. The single storey garden room element would measure approximately 4.2 metres in projection, 5.7 metres in width with eaves and ridge heights of 2.5 and 3.6 metres,

1.4 The development would utilise the existing vehicle access and driveway. The conifer hedgerow on the northern boundary of the application site would be replaced with a mixed hedgerow, although the hedgerows on the other boundaries would be retained and enhanced. The revised scheme also shows that additional tree planting is proposed between the southern elevation of the property and the south boundary of the site with the intention of obscuring views from the proposed first floor bedroom window.

1.5 A previous application for a two storey dwelling house (reference 12/00212/FUL) was refused in April, 2012. The current application represents a revised scheme in order to try and address the Local Planning Authority's concerns with regards to the previous application, namely the impact on the amenities of the occupants of neighbouring properties and the adverse physical impact of the building on the immediate area.

1.6 The main alterations to the revised proposal comprise of a reduction in the maximum ridge height of the dwelling (by approximately 0.4 metre in relation to the previously refused proposal), the proposed hipped -roof configuration of the dwelling and the repositioning of the footprint of the dwelling house further northwards within the application site thus providing a distance of between 7.6 metres and 8 metres between the southern elevation of the proposed property and the facing north-facing elevation of the neighbouring property of Green Banks positioned to the south of the application site (an additional distance of approximately 1.6 metres away from the neighbouring property as proposed on previous application 12/00212/FUL.)

1.7 Crossways is a detached bungalow located in a relatively spacious plot on the western side of Middleton Road at the top of Rudby Bank outside of Development Limits. The neighbouring properties of Green Banks and Long Meadows are located to the south and north of the site respectively. Vehicular access to the site is gained off Middleton Road via an entrance towards the south-eastern corner of the site. The existing bungalow is set back of Middleton Road and the site is relatively enclosed and screened by hedgerows and trees.

2.0 RELEVANT PLANNING HISTORY

2.1 11/01287/FUL : Alterations and extensions to existing property (as amended by plan received by Hambleton District Council on 28 June 2011) APPROVED 19.07.2011.

2.2 11/01696/MRC : Application to modify conditions 2 amendment of design & condition 4 removal of hedge of planning approval 11/01287/FUL APPROVED 03.10.2011.

2.3 12/00212/FUL : Application for the demolition of existing bungalow and construction of a replacement dwelling REFUSED 27.04.2012. The current application represents a revised application in respect of this previous application.

2.4 It should be noted that there two previous group Tree Preservation Orders (TPO) on the site (TPO 1961/12 and 1980/02) relating to trees on the boundary between Crossways and Green Banks have been revoked.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP32 - General design
- Hutton Rudby Village Design Statement
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Hutton Rudby Parish Council : "The Council recommend refusal. The proposed dwelling is in a prominent position on an elevated site. It would have an overbearing impact on neighbours and the street scene because of its height and is totally out of character in this prominent position. The new dwelling should be on the original footprint."

4.2 Local Residents - Neighbours have been notified and a site notice posted; (expired 31.07.2012) The following responses were received:

1st response: An objection has been received by a local resident stating that the revised application fails to adequately address the previous concerns (raised during the previous application) of scale, form and positioning. The location of the building in this application is a mere 1.6m further from its boundary with Green Banks, which still appears to be extremely intrusive for the residents of Green Banks. The new property should be built within the footprint of the existing property, to ensure neighbouring properties remain private and not overlooked. The scale is still out of keeping with its local surroundings, and despite the height being reduced by just over half a meter the proposed building would still 'tower' over properties opposite. The location of the proposed property within the plot is effectively splitting the plot in two leaving this land open for future development. Overall, the objector does not consider this proposal to be in keeping with proper development of the area and would ask that the application be refused.

2nd response: A neighbour has stated that whilst the proposed revisions to the original scheme represent 'a step in the right direction', the alterations are marginal in nature.

Despite the decrease in the ridge height the property is still imposing, particularly in consideration of the height of the gable projections. Is concerned that the photomontage plans submitted with the application are not a true reflection of the position of the proposed property and still feels the property would dominate the surrounding area and that the footprint of the property should be located further towards the centre of the plot.

3rd response : Another neighbour has stated that the reduction in ridge height and repositioning of the footprint of the property represent 'token amendments' and do not address the previous concerns of dominating the skyline, loss of neighbour privacy and the out-of-character scale and height of the property in relation to its surroundings. The applicant intends to build another property within the remaining land to the north of the proposed footprint of this property which would be contrary to the planning policies of the Hambleton district Council LDF, particularly in relation to design, neighbour amenity and Development Limits.

4th Response : A neighbour has written in to object to the proposal on the grounds that the applicant is intending to 'squeeze another house' onto the site in the future as a result of its position within the plot. The development would 'ruin' the site.

5th response : Another neighbour wishes to object to the proposal on the basis that the proposed property would not be contained within the original building footprint and would dwarf the neighbouring property of Green Banks. Approval of this application would also set a precedent for future developers wishing to demolish existing single properties and replace them with multiple properties, thus significantly changing the feel and appearance of the Rudby Village environment in a detrimental way.

6th response : A neighbour has written in to say that the proposed changes are slight and that their previous concerns (with regards the previous application) remain. Whereas the scale and impact on neighbours of the previously approved extensions to the bungalow would be acceptable, the same cannot be said for this application. The previous concerns of the objector were due to the increase in height, size and prominence of the proposed property which stands on an important road junction (over and above what was previously approved as a result of previously approved extensions) to the detriment to visual amenity, surrounding properties and the street-scene; overbearing impact on adjacent neighbours, overlooking of neighbouring properties from first-floor windows, moving the footprint of the property closer to the boundary within the site would open up the rest of the site for the building of another property which would be out-of-character with the surroundings. Is not against a replacement property in principle, just the type of dwelling the existing property would be replaced with.

7th response : A neighbour is strongly objecting to the proposal. Although they have no objection to the modernisation of the existing bungalow if located in a central location, has a similar footprint and is in keeping with the surrounding properties as these properties are the focal point when entering the village of Rudby from Stokesley. Specifically their concerns are with regards to loss of privacy and amenity to Green Banks from both the proposed bedroom window and from within the garden.; the distance of approximately 8 metres between the two properties is insufficient and the new dwelling would overpower the property of Green Banks; no existing windows presently overlook Green Banks, whilst only the roof of the existing property can be seen from within the curtilage of Green Banks; the drawings illustrating the angles and positions from the roadside are not accurate; issues with lack scale marks and datum on the proposed drawings; the proposed additional tree planting on the southern boundary would lead to a lack of light to the property of Green banks and problems of potential root penetration. Problems with roots from adjacent trees has been an issue before. Building the property so close to the southern boundary opens up the rest of the plot to eventually be split in two; any replacement dwelling should be built within the centre of the plot.

The applicant (Mr Finch) has submitted a letter dated 29th July 2012 refuting some of the claims made by some of the objectors regarding his future plans for the site as well as commenting on other objector concerns regarding amenity, appearance, etc.

4.3 Northumbrian Water : No comments to make.

4.4 Highway Authority : No objections subject to conditions.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact on the visual amenity of the surrounding area and any impact on neighbour amenity. Highway safety and amenity also needs to be taken into consideration.

Principle of the Development

5.2 The settlement of Rudby is not included within the Settlement Hierarchy defined in Policy CP4. Development Policy DP9 clearly states that permission will only be granted for development outside of development limits in 'exceptional circumstances' (with regards to the provisions of CP4), or where it constitutes the replacement of a building, where the new building would achieve a more acceptable and sustainable development than would be achieved by conversion.

5.3 The development would represent the replacement of an existing residential dwelling outside of Development Limits, and therefore needs to be carefully considered in terms of whether 'a more acceptable and sustainable' development would be achieved. The existing dwelling has recently been subject to planning approval to extend and remodel the property. Although this approved scheme has not yet commenced, the previous approval is an important material consideration, therefore this current proposal also needs to be considered in light of this previously approved scheme (as amended) in terms of its 'acceptability and sustainability'. In terms of whether the proposed development is 'more acceptable' than the existing or approved extended dwelling depends largely on consideration of its design (including impact on the general character of its surroundings) and impact on neighbour amenity. In terms of servicing the site the fact that the property has an existing use as a dwelling house means that there is no liability for provision of new infrastructure and no contribution towards Open Space, Sport and Recreation facilities is required.

Impact on Neighbours

5.4 Following concerns raised by the Local Planning Authority in relation to the impact of a replacement two-storey dwelling within the application site, a number of amendments have been made to the position and design of the proposed dwelling to in order to try and address the concerns of neighbours in relation to privacy and physical impact. The main alterations in this respect comprise of a reduction in the ridge height of the dwelling (by approximately 0.4 metre), the hipping of the roof of the property and the repositioning of the footprint of the dwelling house further northwards within the application site to provide a separation distance of between 7.6 metres and 8 metres between the southern elevation of the proposed property and the facing north-facing elevation of the neighbouring property of Green Banks (this represents an increase in separation distance of approximately 1.6 metres in respect of the previously refused application - 12/00212/FUL) .

5.5 The most significant alteration to the scheme with regards to the impact on the neighbouring property of Green Banks, located to the south, would be the hipping of the main roof slope, therefore eliminating the large gabled side elevations and replacing them with roof slopes which slope away from the boundaries of the property. This would represent a significant improvement in terms of the physical and overbearing impact of the property on neighbouring properties, particularly Green Banks located directly to the south. Whilst the reduction in the maximum ridge height of the proposed dwelling and the re-positioning of the dwelling further to the north within the site would not represent substantial alterations in themselves, these amendments in combination with each other are considered to negate the physical and overbearing impact of the previously proposed scheme (12/00212/FUL). Due to the increase in the size and scale of the proposed two storey dwelling house, both in

relation to the existing bungalow and the proposed extended bungalow (granted planning permission in June 2011), the proposal would have an additional physical/overbearing impact on the occupants of the neighbouring Green Banks, although it is considered that the proposed amendments as discussed above would ensure that this additional physical impact would not be significant, and as such, would not have an unacceptable physical/overbearing impact on neighbouring properties to justify a refusal of the application.

5.6 The south-facing side elevation of the proposed dwelling house would contain two first floor windows, serving bedroom 1 and the associated en-suite respectively. Given the close proximity and elevated position of these windows to the neighbouring property of Green Banks, it is considered expedient to ensure that these two windows are both permanently obscured glazed to maintain the privacy of the occupants of this adjacent property. The screening effect of the substantial boundary hedgerow would ensure that there would be no privacy issues raised by the ground floor windows within the south-facing elevation of the dwelling. The relatively large distance and intervening hedgerows and trees would mean that there would be no significant privacy issues raised in respect of the proposed openings within the principal and rear elevations of the dwelling and any residential dwellings to the east and west of the site.

5.7 The occupants of Green Banks have raised concerns regarding the proposed planting of additional trees on the southern boundary of the site which are intended to enhance the screening impact of the existing hedgerow and help to screen views between the proposed property and the curtilage/dwelling house of Green Banks. Their concern is that these trees would block out light to their property even further and that tree roots may cause damage to their property. It is considered that the planting of trees in this area would help to screen views between the two properties. Any planning permission can be conditioned to ensure that any species planted would be of an appropriate species to suit the location.

Design, Scale and Appearance

5.8 This part of Rudby contains a mixture of different property styles, designs and materials, most of which are detached but which vary greatly in scale and form. Therefore the principle of replacing a bungalow with a two-storey dwelling house cannot be considered to be out of character in relation to character of the surrounding area.

5.9 The proposed dwelling represents a relatively large increase in size and scale over-and-above both the existing bungalow and the approved extended bungalow (granted planning permission in June 2011) on what is an elevated position on a prominent road junction.

5.10 It should however be noted that there are other relatively large, detached dwellings along Rudby Bank and Middleton Road also in elevated positions, whilst the lowering of the ridge height and the hipping of the main roof slope would undoubtedly reduce the physicality and prominence of the dwelling as compared with the previously refused scheme. Overall, the proposed amendments to the scheme – particularly the alterations to the design of the property – would reduce the perceived size and scale of the dwelling within its surroundings, particularly as viewed from the adjacent public highway and road junction situated to the east of the site and would be of a size and scale in keeping with other properties within Rudby Bank which are a mixture of single storey and two storey dwellings.

Parking and Access Arrangements

5.11 The proposal would utilise the existing site entrance and driveway with modifications to provide access within the site to the integral garage. The access and on-site parking arrangements are considered to be acceptable. The Highway Authority have raised no issues to the proposal.

Drainage/Foul Sewerage

5.12 The foul sewerage is to be via the mains sewer. Northumbrian Water have raised no objections to the proposal.

Energy Efficiency/Sustainability

5.13 In terms of sustainability, it is stated within the Design and Access Statement that the intention of the development is 'to design a spacious and energy efficient dwelling more suited to the contemporary domestic needs of a family than is the existing inefficient and inflexible bungalow'. To this end, the new property would be highly insulated to minimise the loss of heat, would benefit from passive solar gain (particularly in relation to the proposed sun room) whilst it is also proposed to install an energy efficient boiler. The proposed development would also incorporate rainwater capture and circulation to supply a number of domestic appliances, thus reducing demands on the mains water supply. In terms of energy efficiency and sustainability, the proposed dwelling is likely to represent a substantial improvement in relation to the existing bungalow and to a lesser extent the approved scheme to extend the bungalow previously granted planning permission, although any carbon savings gained would in the short-term be off-set as a result of the carbon and energy produced as a result of building a whole new dwelling.

Other Issues Raised By Objectors

5.14 Several objectors have raised concerns that by building a new dwelling to the south of the plot (rather than in a central location within the plot) the applicant will look to develop the site in the future by 'splitting the site in two' and building a second dwelling within the plot. Any future application would be judged on its own merits in relation to the relevant Local Plan policies and other material planning considerations at the time. This therefore cannot be taken into consideration in the determination of this application.

Conclusion

5.15 Policy DP9 of the Local Plan allows for replacement buildings outside of Development Limits where the replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. Although there is unlikely to be any improvements in neighbour amenity terms with regards to replacing the dwelling (rather than extending/altering the existing dwelling) and any improvements in design and appearance are considered to be negligible, the development in the long-term is considered to represent a more sustainable development as a result of the energy efficiency measures required under the current Building Regulations. Therefore, overall, the proposal to demolish and rebuild a dwelling on the site (rather than to extend/alter the existing bungalow on the site) is considered to be more acceptable and sustainable and therefore in accordance with the requirements of Policy DP9.

SUMMARY

Taking the above issues of principle, sustainability, neighbour amenity, design/appearance, parking/access and drainage into account it is considered that the proposed demolition of the existing bungalow and erection of a new two storey dwelling house accords with the relevant policies of the Hambleton LDF and the expectations of the National Planning Policy Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The method of coursing of stonework, the mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development

commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (CW/003; CW/012; and particulars attached to planning application 12/01252/FUL received by Hambleton District Council on 15 June 2012 unless otherwise agreed in writing by the Local Planning Authority.
4. The dwelling shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The windows within the south-facing (side) elevation of the dwelling above ground floor level shall at all times be glazed with obscured glass unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.
 - (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. CW/012. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Policy DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
4. In order to soften the visual appearance of the development and provide appropriate assimilation into the local landscape.
5. To protect the amenities of the occupants of neighbouring properties in accordance with Development Plan Policy DP1.
6. To ensure that the development is appropriate to environment in terms of amenity and appearance in accordance with Development Plan Policies DP1 and DP32.
7. In the interests of highway safety.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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

9. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

10.

12/01497/FUL

Change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to a storage and distribution depot. at Air Tech Unit 1 Skipton Old Airfield Sandhutton for Price's Paving And Tile Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks permission for the change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to a storage and distribution depot to be used by Price's Paving and Tile Ltd at Unit 1 Skipton Old Airfield, Sandhutton. The site consists of a steel framed building with hardstanding around it.

1.2 The proposal is to use the building as an office and for storage and the external areas for storage and car parking. Price's Paving and Tiles currently operate from offices and a showroom at Snape which will be retained and have a storage depot at Ainderby Quernhow which they propose to relocate to this application site.

2.0 HISTORY

2.1 05/01591/FUL : Construction of building for repair and maintenance of agricultural machinery and plant : Permission Refused 2005.

2.2 06/00255/FUL: Construction of an agricultural plant and vehicle maintenance depot: Permission Granted March 2006.

2.3 07/00100/FUL: Amendments to approved scheme for repair depot: Permission Granted February 2007.

2.4 07/02268/FUL : Siting of a residential caravan : Permission Refused October 2007. An Enforcement Notice was subsequently served to secure the removal of the caravan. This notice was confirmed following an Appeal against it in 2009.

2.5 09/03914/FUL - Construction of a workshop and storage building to be used for the repair and storage of agricultural and plant machinery and agricultural contracting as an additional building ancillary to the existing use/building. Granted 2010. Not constructed.

2.6 09/03910/FUL - Construction of general purpose agricultural building. Granted 2010. The site for this building lies to the north of the application site in this proposal but is within the 'blue' land. Not constructed.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

4.0 CONSULTATIONS

4.1 Parish Council - response awaited

4.2 NYCC Highways requested additional information and confirm no objections.

4.3 IDB- no adverse comments

4.4 Neighbours/site notice expired 22 August. No response.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of the proposed storage and distribution use in this area which lies outside any development limits together with any impact the proposal may have upon the appearance of the area and upon highway safety.

5.2 Whilst this site is within an area of the Old Airfield where there are some further business type uses, it is not within any designated development limits and as such Policies CP1, CP2, CP4, CP15 and DP25 is the most applicable in this case. It is noted that the existing use is one that is closely related to agriculture, that supports the rural economy as it serves the needs of the local agricultural community whereas the proposed use is for general storage and distribution.

5.3 The Agents have submitted information in support of their application in which they detail its consideration under Policy DP25. They note that the proposed use is small scale and the current site is 2 acres in size and also that the existing building is to be reused. They also state that they feel that it is not capable of location within a settlement with Development Limits. They explain that the applicants have viewed sites at Leeming Bar Industrial Estate, Alanbrooke Industrial Park, Topcliffe and Melmerby Industrial Estate.

5.4 The applicants submitted an application for a combined showroom, office and distribution use to be carried out within Leeming Bar Ref no. 10/01493/FUL for the "Construction of a showroom/office building, a warehouse/storage unit, a nursery/pre-school building and associated car parking, landscaping and associated yard for the storage of construction materials" on land north of Plews Way, Leeming Bar Industrial Estate. This was recommended for approval at Planning Committee in July 2010 and again when the NPPF policies were introduced but the application documentation was not completed and the application has been "disposed of" though it can be revived if the applicant wish to do so. It is understood that Leeming Bar site is still available for such a development and would be a more appropriate location for this use proposed. As such there has been insufficient information submitted to justify why this proposed use needs to be located on the proposed site outside Development Limits. It is understood that the applicants wish to purchase rather than rent land, the site at Leeming Bar is for sale not for rent.

5.5 There is the concern that the site search does not appear to have been carried out in a wide enough area. The larger Industrial Parks at Thirsk and Northallerton have not been looked at as alternative locations and yet these are considered in the LDF documents to be the amongst the most suitable for a storage and distribution depot such as this proposed. In addition no business case has been submitted and from the information available it is considered that the proposed use will not help to sustain the rural community. They state that "The business case for Price's Paving and Tile Ltd is already well known. The firm has continued to expand successfully during the economic recession, gives employment to local people and provides a service to the local area." The application forms note an increase in staff from 3 to 5 after the development. No detail is given of the impact of the development on the local economy and how it sustains rural communities (DP25 criteria iv). There is subsequently the concern that this proposal is contrary to Policy DP25. There appears to be no reason why this use cannot be located within the more appropriate Industrial Parks within Development Limits.

5.6 The existing owners have stated that the operation of the "AirTech" business is to continue on a smaller mobile basis with mechanic operating from a van on the customers sites employing 2 mechanics and an administrator. Previously they operated with 5 staff. The owners wish to sell the property to finance development of their new farming business.

Consideration has been given to the overall impact of the proposals on the economy by both of the businesses involved, there is no clear evidence to show that the proposal will contribute in any significant way to the growth of the economy and no significant weight can be given to this factor in reaching a recommendation on this proposal.

5.7 It is noted that NYCC Highways are satisfied with the proposal in terms of Highway Safety and have no objections. In terms of visual impact it is noted that the 2 acre site surrounding the building is proposed to be used for external storage. However as this is well screened by grass banks around the site it is not considered to cause any significant detrimental visual impact upon the area but for the policy lead reasons outlined above this application is recommended for refusal.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed change of use is contrary to the NPPF and Policies CP1, CP2, CP4, CP15 and DP25 of the Local Development Framework as insufficient justification has been provided of an exceptional case to the requirements of the policy to locate within Development Limits and is therefore an unsustainable form of development.

Parish : Sowerby
Ward : Sowerby

Committee Date: 11 October 2012
Officer dealing: Mr Jonathan Saddington
Target Date: 25 October 2012

11.

12/01556/FUL

**Demolition of 1 dwelling and depot building and construction of 51 dwellings with associated access, parking, public open space and landscaping
At the Warehouse Buffer Depot, Sowerby
for Persimmon Homes (Yorkshire) Ltd & Secretary of State for Communities & Local Government**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 51 dwellings, associated access, parking, public open space and landscaping at the former DEFRA Depot located at the west end of Melbourne Place, Sowerby. This will deliver a development of approximately 42.5 dwellings per hectare. 20 dwellings (39.2%) are identified for affordable use, the balance of 31 dwellings for private residential use. The precise tenure split and position of the affordable units has yet to be determined.
- 1.2 The proposed dwellings are a mix of 1, 2, 3 and 4 bedroom dwellings arranged in terraces, semi-detached and detached form varying between 2, 2.5 (13 units) and 3 (6 units) storeys in height. No bungalows are proposed.
- 1.3 The majority of dwellings will be constructed using red-multi and buff-multi brickwork. Pantiles and concrete tiles will be used throughout. Architectural detailing is relatively simple and includes: brick detail to the eaves, contrasting brick band courses and sash-style windows. All dwellings have private amenity space in the form of rear gardens. A total of 64 car parking spaces (excluding garages) are proposed which equates to 1.25 spaces per dwelling.
- 1.4 A small area of public open space measuring approximately 130sqm is shown adjacent to Orchard Villa on Melbourne Place. An underground pumping station is positioned adjacent to this area of open space. The site does not contain a formal play area.
- 1.5 A single vehicular access point is proposed via Admirals Court, Green Lane West and Topcliffe Road with pedestrian and cycle access from both Admirals Court and Victoria Avenue. An existing dwelling at the head of Admirals Court will be demolished in order to create the proposed vehicular access. The size of the road diminishes as the number of units served is reduced with groups of five and six properties being served off private drives. A formal car parking area with associated landscaping will be provided off Melbourne Place for use by existing residents.
- 1.6 The site is situated at the western end of Victoria Avenue and Melbourne Place, through which the site is currently accessed, with the more recent Admiral's Court development to the west and the residential properties forming the southern side of Melbourne Place to the south. The land to the north of the site is occupied by a large industrial unit with the residential properties on Racecourse Mews beyond.
- 1.7 The application site extends to approximately 1.2 hectares and is currently occupied by a large depot building and associated external hardstanding. The northern boundary of the site is currently delineated by a mature hedge, whilst there are a small number of trees/shrubs located around the site.

- 1.8 The site is currently accessible from Melbourne Place, although given the nature of this access and Melbourne Place itself, it is not proposed that this be retained as a vehicular access to the site.
- 1.9 The site forms part of the TH2 - Depots, Station Road, Thirsk - Allocation. Policy TH2 at paragraphs 9 and 10 states that the three linked sites of irregular shape and with an access issue that need to be resolved will require the owners and their agents to work collaboratively to bring forward a single development and that it is envisaged the scheme will be developed towards the end of Phase 1 (up to 2016), subject to:-
- i) development being at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable);
 - ii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) access to be taken from Racecourse Mews;
 - iv) provision of appropriate junction improvements with Station Road;
 - v) contributions from the developer towards necessary infrastructure improvements including footpath links to the Town Centre and better drainage facilities; and
 - vi) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
 CP2 - Access
 CP3 - Community Assets
 CP4 - Settlement hierarchy
 CP5 - The scale of new housing
 CP5a - The scale of new housing by sub-area
 CP6 - Distribution of housing
 CP7 - Phasing of housing
 CP8 - Type, size and tenure of housing
 CP9 - Affordable housing
 CP16 - Protecting and enhancing natural and man-made assets
 CP17 - Promoting high quality design
 CP18 - Prudent use of natural resources
 CP19 - Recreational facilities and amenity open space
 CP20 - Design and reduction of crime
 CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

TH2 – Depots, Station Road, Thirsk (2.82ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Sowerby Parish Council

- 4.1 Wish to see the application refused in its current form.
- 4.2 Allocations DPD clearly states that the only vehicular access should be via Racecourse Mews and as such the proposal for access via Green Lane West and Admiral's Court can not be supported.
- 4.3 The proposed housing density of 51 dwellings far exceeds the LDF recommendation of less than 30 units and cannot therefore be supported.
- 4.4 The Parish Council recommends that there should be no 3 and 2.5 storey units and would prefer there to be some bungalows in keeping with those in adjacent Victoria Avenue. Bungalows would be more acceptable and would meet current housing needs.
- 4.5 Grave concerns exist regarding the drainage systems in the layout.
- 4.6 Whilst it is accepted that there is some improvement in the proposal for parking layout for Melbourne Place it is felt that there could be further improvements.
- 4.7 Further clarification about the Public Open Space is required and it is felt that bigger garden spaces could be obtained by some re-positioning of the dwellings.
- 4.8 Any increase of traffic on to Topcliffe Road from the site in such close proximity to the schools is unacceptable and some concern about the foot and cycle links from Victoria Avenue has been raised.

NYCC Highways

- 4.9 Comments awaited.

NYCC Education

- 4.10 Comments awaited.

HDC Planning Policy Officer

- 4.11 This is an allocated housing site (TH2) within the Hambleton Local Development Framework Allocations DPD, 2010. The application does not cover the whole of the allocated site, which also incorporates the Power Plastics site to the north.
- 4.12 During the allocations process, the County Highways advised that the existing accesses were unacceptable, but that an access could be formed from Racecourse Mews if all three component sites were developed together. This is a lost opportunity to develop all three sites to provide firstly an adequate highways solution and secondly a cohesive design in this confined location as intended in the Allocations DPD. As submitted, the application is contrary to the adopted Allocations DPD.
- 4.13 In terms of housing provision, the whole of the site was to be developed at a density of 10 dwellings per hectare, resulting in an overall provision of around 30 houses. The density was specified quite low so as to reflect the restrictions on this site and allow for a suitable layout with adequate amenity space, whilst incorporating open space and new footpath links.
- 4.14 This application proposes 51 dwellings on just part of the site. The proposal is considered to be an over development of the site, resulting in lack of amenity space and will have significant impacts in terms of on street parking.
- 4.15 Wish to see evidence that the owners of the site to the north have been approached to develop this site in collaboration with the Applicant.

HDC Leisure Services Officer

- 4.16 Concerned that there is no on-site recreational provision on this site given the number and mix of housing. The site is a long way from the Sowerby Gateway plans and the nearest recreational area would be the Flatts in Sowerby - this would involve crossing two main roads in Sowerby to access them (there is a zebra crossing on Topcliffe Road but nothing on Sowerby Road) - this distance and route is not suitable for young children.
- 4.17 Reiterate that the Open Space SPD / DP37 recommend that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in the Thirsk area.

HDC Environmental Health Officer

- 4.18 Comments awaited.

Yorkshire Water

- 4.19 YWS has no objection in principle subject to drainage conditions being imposed.

Environment Agency

- 4.20 No objection in principle subject to conditions. However, the Environment Agency recommends that before planning permission is granted soakaways are shown to be effective for the disposal of surface water from this site, and if not, the applicant should be requested to resubmit amended proposals showing how they propose to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with Building Research Establishment (BRE) Digest 365.

Police Architectural Liaison Officer

- 4.21 Recommendation 1 – that the plans for this estate be re-drawn encompassing the visitor parking throughout the whole estate so that the parking is not so remote which gives rise to the fear of crime, a material planning matter.
- 4.22 Recommendation 2 – that the Application actually achieve Secured By Design certification, as opposed to conforming to the principles of Secured By Design which has shown in the past to be vastly different.
- 4.23 Recommendation 3 – that the footpath from the bottom of Victoria Avenue be removed for security reasons.
- 4.24 Recommendation 4 – as the gardens adjoining the periphery of this site are of various heights and materials, it is recommended that the entire site be enclosed in close boarded fencing 1.8 fencing high.
- 4.25 Recommendation 5 – that the Design & Access Statement show how crime and the fear of crime are to be addressed.

Network Rail

- 4.26 No observations.

Publicity

- 4.27 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 21st September 2012. 36 letters of objection have been received which have been summarised as follows:
- i) The proposed density of 51 housing units is totally disproportionate to both the Allocations DPD and the density of the surrounding residential area.
 - j) The number of properties should not exceed 26 and not 52 as proposed.
 - k) Admirals Court cannot sustain or accommodate construction traffic.
 - l) The construction of the road is insufficient for carrying heavy builders' traffic, ie. heavy ready-mix trucks and trucks containing aggregates, building materials, scaffolding, plant/cranes and because of the many 90 degree turns in Admirals Court.
 - m) Green Lane West will also be affected by the increased traffic, and again the road surface is not suitable for heavy goods traffic.
 - n) Admirals Court is too narrow for any increase in traffic movements.
 - o) Children living in Admirals Court will be a risk from increased traffic.
 - p) Admirals Court, Green Lane West and Topcliffe Road will become congested from increased traffic.
 - q) The Admirals court/Green Lane West junction is difficult to negotiate and should not be subject to increased flows.
 - r) Residents will car park on Admirals Court, Victoria Avenue and Melbourne Place due to insufficient parking.
 - s) The character of Admirals Court will change from a quiet cul-de-sac to a busy access road.

- t) 33A Admirals Court is an attractive property and should not be demolished.
- u) Question housing need.
- v) Existing drainage cannot cope with increased flows.
- w) The proposed footpath on Victoria Avenue could lead to anti-social behaviour and a hazard at a busy turning point.
- x) Access should be via the disused railway line.
- y) Access should be via Station Road.
- z) Access should be via Racecourse Mews.
- aa) Persimmon's transport survey fails to take into account the heavy roadside parking during peak times and general overall congestion.
- bb) Should be considered alongside the Sowerby Gateway application. The Council should consider the cumulative impact of both developments.
- cc) The proposed layout will result in a loss of amenity to 38A Admirals Court.
- dd) Increased security risks for residents living in Admirals Court.
- ee) Concerned about the imposing nature of 3 storey dwellings.
- ff) Noise from the pumping station.
- gg) Concerned that Melbourne Place will be used as a pathway for a considerable number of children walking to school.
- hh) The proposal includes 13 units of 2.5 storeys and 6 units of 3 storey height, despite the design and access statement claiming (page 8) that the units are "no more than two storeys". This is contrary to the Allocation DPD recommended 2 storeys, and would be totally out of character with the existing adjacent residential environment.
- ii) This development will be directly alongside the conservation area but does not attempt to fit in with the conservation area from a design, aesthetics, building materials and, particularly, a density point of view.
- jj) The hawthorn hedge on the boundary with Power Plastics should not be pruned during the bird nesting season.
- kk) The mound adjacent to Bellcroft Close should be levelled in order to achieve a suitable finished floor level in the interests of protecting neighbour's amenity.
- ll) Increased traffic on Green lane West and Topcliffe Road will cause safety problems for children crossing roads without adequate Lollypop Ladies/Men.
- mm) The area of provided public space is derisory. The amount of green space will be very small indeed.
- nn) Melbourne Place is still on a Victorian combined sewer and storm system, which is already at capacity and will not take the drainage from another 51 units.
- oo) Refuse vehicles and emergency services will experience difficulties accessing the site.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development in Phase 1 (up to 2016) subject to the provisions detailed within paragraph 1.9 of this report.
- 5.3 The Policy envisages a single development, the explanatory text to TH2 states that "because the site is an unusual shape, and positioning of access roads restricts the number of dwellings that could be built, the realistic capacity of the site has been reduced by applying a 10 dwellings per hectare density to the site overall, thus yielding around 30 units (compared with a density of 40dph, which would otherwise have been appropriate given the central location of the site, and which would have yielded 100 or more units)."

- 5.4 The Allocations DPD goes to states that “existing site accesses are unsuitable. However, an access can be formed from Racecourse Mews if all three component sites are developed together.”
- 5.5 Developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD including matters concerning design and access.
- 5.6 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be 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.
- 5.7 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.8 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 5.9 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, Officers have critiqued the design aspects of the application without the added benefit of third party scrutiny. It is considered that the scheme as originally submitted fails to meet the requirements of the LDF Policies and would be recommended for refusal. Officers have made the following criticisms of the original submission:-
- 1) The proposed layout is wholly unacceptable and requires a complete re-think in order to deliver the aspirations of the Allocations DPD and the high standards of design required by the NPPF and the Council’s Development Policies DPD.
 - 2) “Density” should not be slavishly adhered to as a requirement in itself. Any development should be well designed by reflecting the local pattern of development and by maintaining the level of amenity currently enjoyed by established residential properties. To this end, the Allocations DPD provides a guide of 10dph due to the site’s unusual shape and its relationship to established residential dwellings. On a site of 1.2ha this would result in 12 dwellings. As a guide, 36 dwellings would equate to 30dph. The submitted proposal seeks permission for 51 dwellings at 42.5dph and, consequently, the design quality of the scheme and its impact on neighbours is unacceptable. The numbers of dwellings will need to be significantly reduced in order to comply with policies DP1 (protecting amenity) and DP32 (high quality design).
 - 3) The submitted housetypes are considered to be poorly designed. An architectural appraisal of this part of Thirsk should be undertaken to inform the site layout and external appearance of the dwellings.
 - 4) The proposed housetypes should incorporate local characteristics, such as chimneys, windows styles, using Victoria Avenue and Melbourne Place as a reference.

- (5) The proposed area of public open space is not functional in terms of size or location. The plan should contain a meaningful area of POS that is central to the development and provides both “green relief” and a functional space.
- (6) The car parking area on Melbourne Place should be redesigned to provide a continuous row of parking. The existing non-native trees should be removed and replaced with a landscaping scheme that compliments the car parking area. A “detailed” drawing should be submitted showing the car parking area and associated landscaping.
- (7) Alternative locations should be considered for the pumping station. The position of the pumping station should not take precedence over achieving a high quality housing layout.
- (8) The layout should give consideration to the inclusion of bungalows in keeping with those in adjacent Victoria Avenue to help to deliver a mixed community.
- (9) Some of the dwellings have very small back gardens, have inadequate separation distances and other instances are isolated and fail to form a cohesive streetscene. Other instances exist of dwellings failing to respect the amenity of neighbouring dwellings. Autumn House (at the end of Melbourne Place) will be overlooked by Plots 49 and 38. Moreover, plot 49 fails to comply with the 45 degree code and will have an overbearing impact on this property as a result. All need to be addressed by amendment to the design of the development.
- (15) The proposed footway leading from the application site to Victoria Avenue will suffer from a lack of natural surveillance. This should be widened to create a green link rather than being given over as garden space.
- (16) The site layout should achieve a minimum of 2 car parking spaces per dwelling (excluding garages).
- (17) The layout would benefit from a greater variety in plot widths and depths – particularly within the central area.
- (18) Affordable housing should be pepper-potted throughout the site.
- (19) During the Allocations process, the Local Highway Authority advised that the existing accesses were unacceptable, but that an access could be formed from Racecourse Mews if all three component sites were developed together. This is a lost opportunity to develop all three sites to provide firstly an adequate highways solution and secondly a cohesive design in this confined location. As submitted, the application is contrary to the Allocations DPD. No evidence of a collaborative approach to develop the allocation as a single entity has been provided.

6.0 SUMMARY

- 6.1 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development in Phase 1 (up to 2016) and which should be developed as one scheme requiring collaboration between land owners, their agents and a developer(s). Developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific matters concerning design and access.

- 6.2 The proposed layout is wholly unacceptable and requires a complete re-think in order to deliver the aspirations of the Allocations DPD and the high standards of design required by the NPPF and the Council's Development Policies DPD.
- 6.3 The density of the scheme is too high and coupled with poor design results in an unacceptable form of development.
- 6.4 The Applicant has confirmed that an amended scheme is being drafted and will be submitted to the Council within the next few weeks, following which a further period of consultation with neighbours and consultees will take place.
- 6.5 The amended scheme is not expected to alter the primary access to the site which will continue to be via Admirals Court
- 6.6 The amount of affordable housing is close to the target set out in the LDF and subject to any design changes amount is considered to be acceptable
- 6.7 Key consultation responses are awaited from the Local Highway Authority, NYCC Education and the Council's Environmental Health Officer.

7.0 RECOMMENDATION

- 7.1 Recommend that the application be DEFERRED to allow for outstanding consultation responses to be received and to further allow for consideration of any amendments to the proposal.

12.

12/01723/ADV

**Application for advertisement consent for the retention of 1 externally illuminated sign and 1 non illuminated sign.
at Coles Solicitors 1 Finkle Street Thirsk North Yorkshire
for Coles Solicitors Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks Advertisement Consent for a projecting sign and a fascia sign displayed on Coles Solicitors at 1 Finkle Street Thirsk. The proposal is retrospective but is to be amended in respect of the fascia sign.

1.2 The projecting sign is located above 1st floor level near the corner junction with Market Place. It has a white background and blue and pink lettering. The fascia sign extends the full width of the buildings main entrance and at present is white coloured with blue and pink lettering. The lights above the fascia sign are to be removed and the sign will therefore be non-illuminated.

1.3 Following negotiations with the applicant the proposal is now to amend the fascia sign by changing its colouring.

1.4 The advertisement consent application is referred to the Committee as it has been submitted by the partner of a Hambleton District Councillor.

2.0 HISTORY

2.1 2/03/152/0542D - Display of a non-illuminated projecting sign and an externally illuminated sign granted 2003

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Hambleton Market Towns Design and Conservation Guide for repair and alterations works Supplementary Planning Document - adopted 21 December 2010

4.0 CONSULTATIONS

4.1 Town Council- "signs approved. We feel the posters on the plain white wall are inappropriate in the conservation area. Could the wall be made a more subdued colour?"

4.2 NYCC Highways - no objections

4.3 Site notice/neighbours/advert expired 1 October 2012. No response.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the visual impact of the signs upon the character and appearance of the building itself and upon the surrounding Conservation Area.

5.2 The proposed projecting sign by reason of its small size and relatively discreet location and being non-illuminated is considered to be visually appropriate for its surroundings. It does not have any significant visual impact upon the appearance of the building itself or its surroundings and is considered acceptable.

5.3 The fascia sign with its illumination was considered inappropriate and contrary to the guidance within the Conservation Area Design Guide. The lights themselves were visually intrusive and as the town centre is well lit, illumination is not necessary in this location. The removal of these lights units and the removal of the illumination of the sign is therefore welcomed.

5.4 The large size and colouring of the existing unauthorised fascia sign means that it remains visually intrusive within the street scene. The bright colour scheme used whilst understood to be applicants corporate colours detracts from the character and appearance of the area. A more subdued and darker colour scheme was therefore suggested to the applicant to be more in keeping with the Conservation Area location. The applicant has indicated that the colours are to be changed and amended plans are to be submitted to illustrate this. Subject to these being considered appropriate, the application may then be recommended for approval.

5.5 In respect of the Town Council's comments it is important to note that the poster signs do not require consent.

SUMMARY

The projecting sign is considered to acceptably respect its surroundings and the character and appearance of the Conservation Area in accordance with the above policies. The suggested amendments to the fascia sign should result in this also being appropriate.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. (i) The consent hereby granted is valid only for five years; (ii) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority; (iii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition; (iv) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority; (v) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission; (vi) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of the highway, railway, waterway (including any coastal waters or aerodrome (civil or military)).

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on **** unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. Standard conditions are imposed by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP28 and DP32.

13.

12/01401/FUL

**Retrospective application for the siting of a caravan to be used as a temporary agricultural workers dwelling.
at Canada Fields Moor Lane Yafforth North Yorkshire
for Mr K Tiplady.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application seeks planning consent for siting of a caravan as a temporary agricultural workers dwelling at Canada Fields, Moor Lane, Yafforth. It is requested that the temporary period extend to the end of 2014.

1.2 The site is located to the south-west of the B6271, in open countryside. The land falls to the south-west. There is a band of mature trees along the road side. The complex includes a set of 3 portal framed buildings located to the west of the tree belt, and an existing static caravan with attached timber outbuilding, located nearby. Approximately 150 south west of the buildings there is a small, 5 caravan, certificated caravan site with hardstandings, and a pair of small fishing lakes.

1.3 The dwelling is formed of a static caravan and attached timber outbuilding. Part of the timber extension is being used as an office/reception for the caravan site.

1.4 Access to the site is via an unmade track serving the farm complex and caravan site.

1.5 The business at Canada Fields is mainly contract pig rearing. 1850 pigs at a time, brought in batches and raised to 'genesis quality assurance standards'. The pigs are brought in 7 kg and raised to 40 kg. Payment is 53 pence per week per pig, and feed is supplied by the pig owners.

Other elements are:

170 mule ewes are accommodated on Canada Fields and the applicants land at Carvin Tor, 12 cross suckler cows and progeny are kept at both sites.

Rare breed pigs (Carvin Tor).

The holding is 149 acres at Canada fields, 49 acres at Carvin Tor and there is a further 15 acres at Catterick.

2.0 RELEVANT PLANNING HISTORY

2.1 2/96/161/0040 - Construction of an agricultural building for the accommodation of livestock; Granted 1996.

2.2 2/01/161/0040A - Construction of an agricultural building for the accommodation of livestock; Granted 2001.

2.3 2/02/161/0040B - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Withdrawn 2002.

2.4 2/03/161/0040C - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Granted 2004.

2.5 10/00342/FUL - Retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Withdrawn 2010.

2.6 10/02889/FUL - Revised retrospective application for the siting of a caravan to be used as an agricultural workers dwelling;

2.7 10/02878/APN - Application for Prior Notification for the construction of a steel portal framed agricultural building; Refused 2011.

2.8 10/02889/FUL - Revised retrospective application for the siting of a caravan (as altered) to be used as an agricultural workers dwelling. Refused Appeal dismissed 22.12.2011

2.9 11/00061/FUL Revised application for the construction of a general purpose agricultural storage building. Refused.

2.10 12/01131/ADV - Application for advertisement consent for the retention of 2 non illuminated signs. Granted.

2.11 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans. Formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building. Granted.

2.12 12/01851/FUL Construction of a livestock building (current).

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP26 - Agricultural issues

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

Core Strategy Policy CP4 - Settlement hierarchy

4.0 CONSULTATIONS

4.1 Parish Council - expiry 25.7.2012 - no response.

4.2 NYCC Highways - (reminder re improvements to access required as part of previous application.)

4.3 HSE- By reference to the standing advice achieves a result of "Do not Advise Against" (PAHDI). Accordingly there are no objections to the development due to the proximity to underground gas pipelines.

4.4 Neighbours - expiry 25.07.2012 No observations received.

5.0 OBSERVATIONS

5.1 The site is outside of any sustainable settlement where under CP4 of the Local Development Framework, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception to the principles of sustainable development contained in policy CP1 and policy CP2.

5.2 Since the introduction of the National Planning Policy Framework (NPPF), the criteria of Annex A of PPS7 relating to the justification required for an agricultural dwelling was withdrawn. The NPPF notes (para 55) that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including where there is an essential need for a rural worker to live permanently at or near the place of work in the countryside. The Councils policy in CP1, CP2 and CP4 is fully in accordance with the guidance of the NPPF.

5.3 The main issues to consider therefore will be whether it is demonstrated that there is an essential need for an agricultural worker to reside on site and whether the enterprise is likely

to be sustained into the foreseeable future. The other general planning issues of design and landscape impact (CP16 and DP30, CP17 and DP32) and highway safety also require assessment. To assist with this assessment the Council has engaged the services of independent surveyors Carter Jonas (CJ).

Essential need

5.4 The existing enterprise at Canada fields is based on livestock. The main business is rearing pigs which are bought in and raised for approximately 9 weeks, and presently involve approximately 1800 animals. The welfare of animals is generally accepted as needing close attention, and whilst this is not a breeding enterprise which might be expected to require attendance at any time of day and night, the number of animals involved in this case was accepted by the Inspector at the previous appeal (10/02889/FUL) as amounting to a justified functional need. The Inspector noted (para 7):-

“However, whilst the number of night time ‘incidents’ is not great - I heard that there have only been 2 such events in the last 10 months – one could have had potentially serious repercussions. In the light of this, and having regard to the livestock numbers involved, it seems to me that having someone close to hand at most times would assist the proper functioning of the enterprise to the extent that it amounts to a functional need”.

5.5 Supporting information submitted with the application (letter, September 14) states that although in 2012 lambing took place at Carvin Tor, it is intended that lambing will take place in the proposed new building (subject to approval).

Overall, an essential need for a worker to be present is considered to be established.

Labour requirement

5.6 To justify a temporary dwelling it is proposal would need to demonstrate that it is necessary for a worker to be available all or most of the time. Differing computations of labour requirement have been put forward. The applicants put forward 2.53 full time workers, by reference to a range of 'standard' authorities. This is based on the wider agricultural enterprise, including pigs, sheep, suckler cows based at Carvin Tor, arable, and the management of all the land comprising the overall enterprise, 122 acres in total.

5.7 Carter Jonas have made an assessment that distinguishes between Carvin Tor (where there is a dwelling) and Canada fields, and isolates the essential labour requirement to manage animals, together with a percentage for general management and maintenance. For Canada fields, the result is a labour requirement of 0.69 workers, based on an annual figure of 3000 hrs (10 hr day) and based on 4 batches of pigs per annum.

5.8 The applicant's further comments challenge the CJ calculations in respect of the number of batches of pigs (CJ assume 4, applicants state 5), which would affect the outcome of the standard hours calculation. It is clear however that the main reason for the discrepancy in the number of batches which can be raised is due to the difference between receiving the pigs in a single batch (which was suggested by the supporting information received with the application), or by a staggered entry for each batch, with a consequent extension of overall time taken. The practise has hitherto been staggered. Information from the applicant is that the present batch was introduced all at once, with a consequent saving in transport costs. Assuming that this arrangement goes well and the pig owners are content to continue on this basis it seems likely that this scheme will continue, and that the unit will be able to achieve 5 batches, and there will be an associated increase in the 'standard' hours calculation.

5.9 Taking all these points into account, it is clear that there is a minimum need of at least 0.69 of a full time worker on this site, which is considered sufficient to justify a dwelling for a temporary period.

Financial sustainability.

5.10 A dwelling would not be sustainable in this location unless the enterprise is financially sound and has a good prospect of remaining so. The previous appeal failed because the

applicant did not produce clear evidence of actual financial performance. This proposal includes financial appraisals for 2010 up to 2014, and do not include any actual accounts. An accountants letter has been received confirming sales directly associated with the agricultural side of the business at Canada Fields, but without analysis of costs. As set out, the financial appraisals show a small profit for 2010 and 2011 rising more steeply for 2012 as the throughput of pigs becomes established, and increasing significantly in future years, with variations depending on the how the cost of new building is distributed. It has been confirmed by the suppliers of the pigs that the present contract extends to 2017, and may be renewed thereafter.

5.11 The Carter Jonas reports highlights a variation in profitability depending on whether 5 batches of pigs can be achieved per annum, but acknowledges a predicted profit, and the potential for it to increase with expansion. CJ however continue to express reservations at the lack of actual financial evidence for this part of the applicants overall enterprise.

5.12 In summary, it is accepted by all parties that the enterprise is profitable and there is no reason to suppose that it would not continue to be so, and will have the potential to increase with expansion of the enterprise. For the temporary dwelling proposed, there is sufficient evidence of financial sustainability for at least the period proposed and whilst the lack of actual accounts is noted, this is not considered to justify refusal of the present proposal.

Conclusion on justification of a dwelling.

5.13 The existing enterprise demonstrates a commitment to the agricultural development of the site and shows sufficient essential need and business viability to justify granting consent for a temporary dwelling.

Appearance

5.14 The proposed temporary dwelling comprises a static caravan and a timber addition and has an ill designed and improvised appearance. The site is well screened from the road, and in association with the large buildings nearby will not have an impact on the wider rural surroundings. CP17 and DP32 require design to be high quality and a building such as this should not be retained in the long term, but in this case the reasons above justify a time limited consent.

SUMMARY

It has been demonstrated that there is an essential need for an agricultural worker to reside on site and that the enterprise is likely to be financially viable and the development is therefore able to comply with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The temporary permission hereby granted for siting of residential caravan with additions is valid only until 31 December 2014 and the building(s) and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the care of livestock at Canada Fields, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

The reasons for the above conditions are:-

1. To enable the Local Planning Authority to assess the suitability of any such ongoing use, in accordance with Local Development Framework Policy CP4 and PPS7.

2. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry or other rural enterprise in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.

Parish: West Tanfield
Ward: Tanfield

Committee Date : 11 October 2012
Officer dealing : Mr J E Howe
Target Date: 5 July 2012

14.

12/00943/FUL

**Retrospective application for a change of use of agricultural land to mixed use of agricultural and the storage of trailers and equipment for grounds maintenance company and the construction of a boundary fence and retention of a shed and ancillary hardstanding to store equipment and chemicals.
at The Long Acres Fore Lane Thornborough North Yorkshire
for MHS Countryside Management.**

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 The application is retrospectively for the change of use of part of the applicant's agricultural landholding, including an agricultural storage building, to a base for the storage of trailers and associated equipment including chemicals, fertiliser, green waste and composted produce in respect of his ground maintenance company. The site was visited by members of the Committee on 10th September 2012 and a report to the meeting of the Committee on 13th September sought a deferral of consideration in order that matters relating to i) access and highway safety, ii) noise and iii) any archaeological implications could be resolved. These are referred to further below.

1.2 The site comprises an area of some 1600sq.m and lies within a field immediately to the south of the B6267 some 400m north of Thornbrough village. The applicant owns a surrounding block of 5.2ha upon which he keeps sheep and dexter cattle. He also owns a further 25ha nearby and 8ha at Mickley for stock rearing. The applicant has stated in support of the application that :

"My wife and I started the business in January 2000, at that time I worked from Chapel View in Thornborough. As with all businesses it grew over the years and we moved house to Sleningford Park where we currently live. We worked out of here for some time but as the business grew we needed bigger premises. It was at this time we approached ..(a local landowner)..who agreed to rent one of his buildings to me at his farm. We ran the business from there from May 2006 until October 2009 without receiving any complaints about our activities. When the land came up for sale at the other side of Thornborough it seemed to be the ideal location for our business as we employ several staff in the Parish of whom some do not own cars and in two instances do not have drivers licences, making it hard for them to get to work if we moved a great distance away."

"The work we carry out is ground maintenance, consisting of grass cutting and garden maintenance, patio laying and building work. The area that our work covers is from Hexham to Sheffield and Grimsby to Liverpool so having the base at Thornborough gives us excellent access to the A1 to get to these locations. Moving from one side of the village to the other I feel has given us a better access road over which has helped to stop any inconveniences to village residents."

"Part of our company policy is re-cycling which is a must in this day and age. So bringing our clippings back and composting them for us to use on our farmland is a great bonus to me personally and for the environment."

1.3 The application was submitted following the activity being brought to the attention of the Enforcement Team and subsequent meetings with the applicant.

1.4 The area which is currently used for the operation comprises an access from Fore Lane off the B6267 into the site, an earth bunded area which contains the composting area and a secure fenced compound which contains an existing building (approved under the

Prior Notification procedure in 2009 for agricultural storage) where trailers, equipment and fertiliser, chemicals are stored. The access, which was existing prior to the approval of the agricultural storage building was considered by the Highways Authority to have inadequate visibility towards the village and initially a revised access to the north (ie closer to the B6267 road) which would have involved the closure of the existing was discussed with the Highways Authority. This could have involved further ground disturbance within what is acknowledged as a sensitive area of archaeological importance. Consequently, the applicant has come to an agreement with the owner of the adjoining plantation to the south of the existing access to trim back the hedge to allow improved visibility to a level acceptable to the Highways Authority which will mean that no further physical works to the ground area of the site are required.

1.5 The applicant states that he employs 12 people full-time with hours of use/operation 07.30-19.00 hours Monday to Friday and 10.00-16.00 hours on Saturdays. The employees are, however, away from the site for the majority of the time during the day.

2.0 PREVIOUS PLANNING HISTORY

2.1 07/02828/FUL : Siting of an agricultural building : Permission Refused Nov 2007.

2.2 08/01199/APN : Prior notification for the siting of a livestock and storage building : Granted June 2008.

2.3 09/02554/APN : Prior Notification for the siting and construction of an agricultural storage building : Granted Oct 2009.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment

4.0 CONSULTATIONS

4.1 West Tanfield Parish Council : No objections.

4.2 North Yorkshire County Council (Highways Authority) : Final response awaited. The improvements which have been carried out are in line with original requirements.

4.3 Environmental Health Officer : Wishes to see a condition restricting use of machinery on the site.

4.4 Environment Agency : No objections subject to compliance with existing regulations issued by the Agency.

4.5 Counter Terrorism Section North Yorkshire Police : No response received.

4.6 The application was advertised by site notice at the entrance to the site and five closest neighbours/landowners were consulted. Two letters have been received, one complaining about noise from dogs on the site (which have subsequently been removed) and one expressing concern in respect of highway safety and potential spillage of chemicals from the site.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy, the Development Policies

document and the contents of the National Planning Policy Framework as set out above and relate, in this case, to the sustainable nature of the site location outside the development limits of a recognised settlement (Policies CP1, CP2 and CP4), the impact of the development on local visual amenity and landscape character (Policies CP16 and DP30), the potential impact on local residents as a result of noise and traffic from the activity (Policy DP1) and the economic benefits to the local area accruing from the employment generated (Policies CP15 and DP25).

5.2 Paragraph 28 of the NPPF states that Planning Authorities "should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.... This approach should support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well designed new buildings and promote the development and diversification of agricultural and other land-based businesses." It has been noted above that the business has been in operation locally since 2000 and employs a significant number of local people some of whom can walk to work and car/van share to sites which are serviced by the operation. The residual compost produced is used principally on the applicant's own agricultural land. It is, consequently, considered that the proposal comprises a sustainable operation in this location.

5.3 The site is well screened by existing planting and further trees have been planted within the applicant's land along the B6267 roadside. There will, therefore, be no demonstrable adverse impact on visual amenity or landscape character as a result of a permanent permission being granted. A condition to require all storage of vehicles and ancillary equipment within the secure site compound is considered to be appropriate.

5.4 As already noted the site is to the north of the village and therefore there is no traffic associated with the operation that will travel through Thornborough. The main activities are the departure and return of staff and vehicles in the morning and afternoon. The composting operation (which is regulated by the Environment Agency) has, in itself, no noise implications. A 'chipper' machine for branches etc will be used entirely within the composting area and is screened from the village by the existing building on the site, tree planting and is in excess of 350m from the nearest occupied dwelling. The applicant states that this would be irregularly used and then only between the hours of 10am and 3pm. An appropriate condition to this effect is, therefore, recommended. Complaints were received at the time the application was made regarding noise and nuisance from the applicant's dogs on the site. These have been subsequently removed. These details address the concerns regarding noise noted at paragraph 1.1 above.

5.5 It has been noted above that the applicant has agreed with the adjoining landowner a scheme to improve the visibility at the existing point of access which obviates the need for an alternative access as previously considered. In addition to meeting Highway Authority requirements this will result in no physical works being undertaken which may affect the archaeological integrity of the site. The details address the concerns regarding both access and archaeology noted as reason for deferral in paragraph 1.1 above.

5.6 As noted above the business currently employs 12 people full-time which is a significant number in such an area which will help to sustain the rural economy. In the absence of substantive objections a conditional permission is recommended as set out below.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and contents of the National Planning Policy Framework identified in the above report in that the scheme comprises the continuation of a rural land-based enterprise involving significant local employment with no adverse impact on local visual amenity, landscape character or adjacent residential amenity.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. No vehicles shall enter or leave the site outside the hours of 07.30 until 19.00 hours Monday to Friday and 09.00 until 16.00 hours on Saturdays.
2. No machinery, including the 'chipper' facility shall be operated within the site outside the hours of 10:00 to 15:00 hours Monday to Friday.
3. No vehicles, machinery, materials or equipment including chemicals and fertilisers shall be stored on the site other than within the secure compound area or within the existing building within the site.
4. Within three months of the date of this decision the applicant shall submit, for the written approval of the Local Planning Authority, a scheme of signage within the site to advise that no vehicles entering and leaving the site are to travel through the settlement of Thornborough. The scheme shall be implemented in accordance with the approved details within one month of such approval.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details attached to planning application 12/00943/FUL received by Hambleton District Council on 2nd May 2012 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In the interest of adjacent residential amenity in accordance with Policy DP1.
2. In the interest of adjacent residential amenity in accordance with Policy DP1.
3. In the interest of the visual amenity of the area in accordance with Policies CP16 and DP30.
4. In the interest of the amenity of local residents in accordance with Policy DP1.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

15.

12/01003/FUL

Retrospective application for a change of use of domestic garage to a joinery workshop. at Workshop Garage At Rear Of Roselea Thornborough North Yorkshire for R N & W Bramley Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This site, in respect of a retrospective application for the use of an existing domestic garage/outbuilding as a woodworking workshop for both hobby and business purposes, was visited by members of the Committee on 10th September 2012 and consideration was deferred at the subsequent meeting on 13th to enable a submitted noise report to be discussed with the Council's Environmental Health Officer and a further report and recommendation to follow in October 2012.

1.2 The site is within Thornborough on the southern side of the street through the village. The applicant's dwelling is a semi-detached property with a small range of outbuildings at the rear which are served by an access from Back Lane to the south of the site. The applicant's curtilage is a significant one and includes land to the rear of four neighbours to the south-west, the dwellings being constructed on land sold off by a previous owner of the property. The closest neighbours to the site lie to the north-west of the workshop and are a minimum of 13-15m away.

1.3 The applicant's family has operated their business from the site for in excess of 25 years although this has been in the nature of a base yard for storage of materials and parking of their vehicle and their work is mainly carried out elsewhere. The joinery element, was stated by the applicant to have started eight years ago and has grown since that time.

1.4 Complaints were made some 2 years ago by a local resident to the Environmental Health Department in respect of noise arising from the operations. Discussions were held with Environmental Health and the applicant did install some noise insulation and altered doors to attempt to minimise noise. The complaints continued and the site was visited by members of the Planning and Enforcement teams. The applicant was consequently requested to submit a formal application in the hope of regularising the situation with appropriate conditions and additional insulation works if practicable and appropriate. The application was submitted but not validated until 4th September as it had been held pending the receipt of a noise prediction report which the applicant was asked to commission detailing the equipment used and noise levels outside the property and on the site boundary. There are various elements of power machinery used in the workshop although it is generally agreed that a circular table saw is likely to be the noisiest piece of equipment used. This is referred to specifically in the noise prediction report referred to below.

1.5 Since receipt of the report consultations have been carried out with neighbours, the Parish Council and Environmental Health Officer. The report is being appraised in detail by the Environmental Health Officer and their comments will be reported to the Committee meeting.

1.6 The applicant has stated in a supporting statement that the reason for the application is;

"For the use of the existing garage to be used as a wood working workshop for use in connection with the existing plumbing, building and joinery business. And also for hobby use for personal pleasure and home projects. I am a time served fully qualified bench and site joiner, I work for the family business which involves plumbing and heating, new builds,

extensions, renovation, alterations, restorations and maintenance on domestic and commercial properties."

"The workshop will be mainly used for personal use as a hobby and in conjunction with the property for alterations and maintenance as well as making things such as furniture and small home and garden projects. This will obviously be on weekends but not past 7pm on light evenings. As for business use this would be between 7.30am and 6pm Monday to Friday and possibly Saturday mornings from 8am to 1pm."

"We have already put up some sound proofing precautions such as sound insulating wall in front of large sliding doors sound insulation in roof areas and between proposed workshop area and domestic front garage. I live at the property and so the proposed workshop would be on my doorstep as no travelling would be involved too and from the workshop and help with security issues by living on site. There will be no extra customers visiting the property and deliveries will be kept to a minimum with no large deliveries, access will be via the back lane and the private drive not the village."

1.6 The acoustic report which has been submitted contains additional suggested measures to reduce external noise which would be required by condition should a permission be granted.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/88/170/0080 : Alterations and extension to existing dwellinghouse and construction of a domestic double garage : Permission Granted 1988

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 West Tanfield Parish Council : Object to the proposal on the grounds of adverse impact upon neighbouring amenity.

4.2 North Yorkshire County Council (Highways Authority) : No objections.

4.3 Environmental Health Officer : Recommends that permission be refused.

4.4 The application was advertised by site notice at the front of the site and the five closest neighbours were consulted. Responses have been received from three local residents. Two letters support the proposal (the respondents living, firstly, to the north-east of the site adjoining the applicant's dwelling and, secondly, 55m to the south-west) a third letter is an objection from the neighbour immediately to the north-west in respect of the close proximity of the workshop, it being in line of sight and activity taking place outside the building in view of its restricted size.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the location of the site within a residential area and the potential impact on adjacent residential amenity (Policies CP1 and DP1), together with the benefits of the continuation of the activity on an established local business (Policies CP15 and DP25).

5.2 It has been noted above that the workshop building is only some 13m from the closest neighbouring dwelling to the north-west and is in direct line of sight to that dwelling and its neighbour. The calculations contained within the noise report commissioned by the applicant indicate that subject to the installation of additional secondary double glazed windows and a more substantial door with 'well fitted seals' to the north-east elevation, noise from the operations within the building would not exceed existing background levels at the site. However, this conclusion is reached on the basis of all activity being carried out within the building with no doors or windows open at any time. It is apparent from objections which have been received and discussions with this Department and Environmental Health that activities outside the building have regularly taken place which create a noise nuisance for neighbours.

5.3 It is acknowledged that the applicant's family business (i.e. plumbing) is well established in this location although, as noted above, this has taken the form of a base for operations rather than a specific activity within the site which the joinery and building element has become in recent years. It is considered that ceasing the joinery part of the business will not have a significant adverse impact on the overall business or local economy as an alternative location could, if necessary, be found elsewhere within the area. The impact on the amenity of neighbours through the use of a joinery workshop in close proximity to living accommodation would in any event be likely to outweigh the harm to the viability of this business.

5.4 If the proposed development is refused planning permission and if the use as a joinery workshop does not cease consideration will be given to the issue of an Enforcement Notice.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed development is contrary the Hambleton Local Development Framework Policies CP1 and DP1 as the use is likely to give rise to a significant detrimental impact upon the amenity of resident neighbours.