

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Northallerton Rugby Club, Brompton Lodge, Northallerton Road, Brompton on Thursday 25 April 2013. 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

25 April 2013

Item No	Application Ref/ Officer	Proposal/Site Description
1	12/01211/DIS and 12/01212/DIS Mr J Saddington Page No. 2	Proposed discharge of condition 10 (Levels) & Condition 12 (Drainage) attached to planning permission ref 11/01661/FUL for the construction of 93 dwellings, associated parking, highway works and the provision of public open space For: Redrow Homes Yorkshire At: OS Field 9972, York Road, Easingwold RECOMMENDATION: GRANT
2	12/00434/FUL Mrs B Robinson Page no. 13	Construction of an agricultural building for the housing of cattle and storage of hay For: Mr C Donnelly At: Bank Flow Farm Great Ayton RECOMMENDATION: GRANT
3	13/00473/FUL Mr T Wood Page no. 16 SV	Construction of a temporary railway platform For: Wensleydale Railway Plc (Mr N Park) At: OS Field 8477 Yafforth Road Romanby RECOMMENDATION: GRANT (Temporarily)
4	13/00396/LBC Mrs S Leeming Page No. 24	Revised application for the installation of 32 solar panels onto roof of existing shop For Woollens & Harwood At: 61 Market Place Thirsk RECOMMENDATION: REFUSED
5	12/02514/FUL Mr J Howe Page no. 27 SV	Demolition of existing dwelling and garage and construction of a replacement dwelling and detached domestic garage For: Mr Kinsell At: Silent Springs Strait Lane Nosterfield RECOMMENDATION: GRANT

Parish: Easingwold

Ward: Easingwold

Committee Date:

25 April 2013

Officer dealing:

Mr Jonathan Saddington

Target Date:

03 August 2012

1.

(a) 12/01211/DIS &

(b) 12/01212/DIS

Proposed Discharge of (a) Condition 10 (Levels) & (b) Condition 12 (Drainage) attached to planning permission ref: 11/01661/FUL for the construction of 93 dwellings, associated parking, highway works and the provision of public open space at OS Field 9972, York Road, Easingwold for Redrow Homes Yorkshire

1.0 BACKGROUND

- 1.1 Consideration of these applications was deferred at Planning Committee on 31st January 2013. Members requested more information on the operation of the dry basin proposed in an area of public open space in the south of the site, including examples of other operating dry basins and details of safety fencing and other health of safety mitigation. The Applicant has submitted an information pack which has been circulated to Members in advance of the Planning Committee meeting.
- 1.2 Full planning permission was granted on 21st June 2012 for the construction of 93 dwellings, associated parking, highway works and the provision of public open space (ref: 11/01661/FUL). This planning permission is subject to 27 conditions, of which 17 are pre-commencement conditions. The planning application was supported by a Flood Risk Assessment (FRA) which included the statement that attenuation "will be partly within the underground drainage network and partly within an attenuation basin located in the south west corner". The FRA was an integral part of the application so it is arguable that the Council accepted this in granting planning permission.
- 1.3 The FRA recommended several mitigation measures. One of these was that the detailed design of the surface water drainage system should ensure that discharge to Leasemires Drain should be no greater than that of agricultural land. To achieve this, the FRA recommended the provision of underground storage capable of handling a 1 in 30 year storm and on site storage capable of handling a 1 in 100 year storm including a 30% allowance for the effects of future climate change.
- 1.4 Condition 12 confirmed this by requiring details of sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The condition requires the storage to be achieved "without risk to people or property and without overflowing into the watercourse". The proposed dry basin is intended to achieve this.
- 1.5 Four separate applications to discharge conditions were submitted on 8th June 2012 (ref: 12/01210/DIS, 12/01211/DIS, 12/01212/DIS & 12/01213/DIS). Engineering drawings submitted in relation to the discharge of condition 16 showed the dry basin in situ and were approved on 14th September 2012. Consequently, it could be asserted that the Council has already given consideration to this matter.
- 1.6 All pre-commencement conditions have now been satisfactorily discharged with the exception of condition 10 (levels) and condition 12 (surface water drainage) which read as follows:-

Condition 10 – Levels (12/01211/DIS)

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.

Condition 12 – Surface Water Drainage (12/01212/DIS)

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- *Surface water runoff shall discharge at the greenfield run-off from a 1 in 1 year storm.*
- *The applicant must also provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.*
- *Details of how the scheme shall be maintained and managed after completion.*

- 1.7 Under normal circumstances, officers of the Council would assess the information provided, request more information or amendments as required and subsequently approve or refuse an application to discharge conditions under delegated authority. However, in this instance, the Developer has begun construction in advance of receiving approval for their proposals to discharge conditions 10 and 12. Moreover, the Applicant's proposal to increase levels in order to accommodate the proposed foul, surface and land drainage system goes beyond the conventional approach to site levels for reasons explained later in this report.
- 1.8 The proposed surface water and land drainage scheme has been subject to detailed consideration by the Council's Principal Engineer, Yorkshire Water, the Environment Agency and the Internal Drainage Board. Further information was requested by Officers and subsequently provided by Redrow Homes on 29th November 2012. This information has been made available for interested parties to view online.

2.0 THE DRAINAGE PROPOSAL

Engineering Design

- 2.1 As part of developing the engineering design solution for the site a number of specialist consultants were employed by Redrow:
- Lithos Consulting – Site Investigation and Earthworks;
 - JBA – Flood Risk and Drainage Philosophy;
 - Queensbury Design Ltd – Detailed Infrastructure Design;
 - Betts Associates – Foundation Design.
- 2.2 As a result of the input from all the parties above, the strategy to elevate the finished levels on the site was developed. The need for this solution is to mitigate a number of design constraints.

Design Constraints

2.3 During site investigation and as part of the consultation, it became clear the site has a number of groundwater/drainage constraints that would have a direct impact on the engineering solution.

2.4 Below are the key areas that influenced the raising of the development levels above existing:

Flood Risk

2.5 The Environment Agency flood maps and associated correspondence confirms the development site is situated in Flood Zone 1 - Low Probability Flood Risk. However intrusive investigation, confirms high groundwater and water-logging of low lying areas during winter months. This was highlighted within the JBA flood risk assessment, with the recommended mitigation measures:

- Raise finished development levels above existing;
- Provide a series of new land drains across the site.

2.6 These measures are required in order to ensure risk of flooding from groundwater is low and therefore acceptable to future occupiers.

Surface Water Drainage

2.7 In accordance with the Flood Risk Assessment, rainwater run-off from all paved areas of the site is to discharge to Leasmires Drain. The discharge to the open watercourse is to be restricted to agricultural run-off rate (11l/s). In order to comply with this requirement, it is necessary to store a large volume of water both within the drainage network and within the site boundary, in order to mitigate the flood risk to others. This is to be achieved by way of storing water within oversized pipe-work and a grass storage basin. The basin will be normally dry, with flooding only in more extreme rainfall. This system is particularly efficient on flat sites.

2.8 Due to the shallow nature of Leasmires Drain and the flat topography of the site, it would not have been possible to discharge by gravity to Leasmires Drain. This has been overcome by raising site levels, however if the existing levels had been retained there would have been a need for a surface water pumping station. A pumped surface water solution would have resulted in the following issues:

- Due to the need to manage large volumes of surface water the use of a pumping station significantly increases flood risk on a development. This is due to the high maintenance and breakdown/failure potential of a pumping station;
- Pumping stations are seen as a last resort by Yorkshire Water (drainage adopting authority) and as such a suitable justification as to why levels could not be raised would have needed to be provided to Yorkshire Water to maintain them as the adopting authority;
- Large proportions of the surface water drainage would have been constructed in the elevated water table. This would have resulted in a high risk of ground water ingress into the system. Yorkshire Water do not accept any groundwater within their systems;
- Surface water pumping cannot be considered as a long term sustainable solution where other alternatives are available.

- 2.9 Based upon the requirements of the Flood Risk Assessment and surface water drainage requirements for a gravity discharge, the proposals show that the development can be delivered by elevating ground levels from 0.0m – 1.3m.

Development Impact and Construction

- 2.10 The strategy to raise development levels is primarily to mitigate flood risk and provide a suitable surface water drainage solution for the development. However this engineering solution has some additional benefits:

- Existing land drains were recorded as part of the Flood Risk Assessment and a number of outfalls have been recorded as discharging to Leasmires Drain (watercourse bordering the site). As part of the requirements of the Flood Risk Assessment, a new land drainage system is to be installed. The raising of site levels, allows the land drainage to be sited in an elevated position, which in turn allows a gravity discharge to Leasmires Drain and minimises the effect on the natural groundwater levels;
- The plan footprint of the proposed land drainage system is however limited (as opposed to an agricultural system), due to the layout and proximity of the houses. Therefore the lifting of site levels provides increased protection against ground water flood risk to areas where the land drainage is minimised;
- Where there is a need for deep excavation (within the high water table), the trench stability is poor and heavily reliant on shoring and dewatering. This has significantly higher health and safety risks to the construction staff involved in the work. This has been minimised as a large proportion of the drainage and services are located above the water table (due to raising levels);

- 2.11 Where possible the impact of raising levels has been minimised against existing boundaries. However, retaining walls are needed on a portion of the western boundary and a small corner of the northern boundary. Once the development is complete, these retaining walls will be the only direct visible evidence of modifying ground levels on site.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 11/01661/FUL - Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011 (Granted on 21.06.2012)
- 3.2 There is no enforcement history other than relating to the conditions the subject of this report.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

The National Planning Policy Framework – March 2012

- 4.2 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

CP17 - Promoting high quality design
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP6 - Utilities and infrastructure
DP32 - General design
DP37 - Open space, sport and recreation
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EM1 - Stillington Road/York Road, Easingwold (8.6ha)

5.0 CONSULTATIONS

- 5.1 It is important to note that the Town & Country Planning (Development Management) Procedure Order 2010 (as amended) does not require the local planning authorities to carry out consultation with local residents or the Parish Council. However, Officers have been in dialogue and have held meetings with both local residents and Easingwold Town Council in order to explain the Applicant's proposals.
- 5.2 Consultation has been carried out with various organisations in order to assist the Council in its consideration of the issues. The replies received are summarised as follows:-

Easingwold Town Council

- 5.3 The Town Council (ETC) has raised serious concerns about future drainage issues. ETC has identified that the Developer is raising the level of the site by up to 1metre with topsoil which is not solving the drainage problem but hiding it. The natural run off for existing York Road and Broadlea homes (officer note: the residential estate to the north) is over the field where the developer is building. The raising of the ground levels will hinder the natural run off and cause back up flooding in the existing homes and gardens which will be detrimental to the amenity of neighbours. Also all new properties built by the Developer will be 1 metre higher than shown originally on the plans. The increase in levels can now clearly be seen as the contractor cabins are located on the original ground level and the foundations are laid for some of the new properties some 1 metre higher. The Council has also expressed concern about the ability of the on-site public open space to function properly.

HDC Principal Engineer

- 5.4 The flooding and drainage aspects of the original planning application for this development were considered in some detail, there were however the outstanding issues were distilled and the Developer was asked to provide further information on a number of key points.

Land drainage impact on surrounding land

- 5.5 In considering the flood risk relating to a new development, the two key aspects are that the flood risk to neighbouring properties is not increased and that the development itself is not subject to an inappropriate level of flooding. The use of 'inappropriate' is because design is to a standard and there is potential for a flood event to exceed the design standard wherever the development is located.

- 5.6 Concerns were raised about the impact of the new development on neighbouring properties on the existing Broadlea Estate, in particular the effect that the re-introduction of land drainage may have on the groundwater and water table level, it should be noted that land drainage is already present on the development site though not all parts of the system are working effectively. The other concern related to whether the existing development may be affected by surface water run-off from the new development.
- 5.7 The Developer's Consultants have provided supplementary information and expert review, JBA Consulting provided the original flood risk assessment and has provided supplementary information and Lithos Consulting as an expert review of the original site investigation information.
- 5.8 Site investigation revealed that the development area is made up of a topsoil layer on an upper layer of granular material (sand and gravel), the depth of the topsoil and upper granular layer is approximately 2 metres. Below the upper granular layer is a layer of firm clay, which as depth increases alternates with layers of granular soil. Groundwater is present in the upper granular layer and will typically flow from the higher ground to the north where the Broadlea estate is situated towards the lower ground in the south east and the Leasmires Drain watercourse.

(i) Groundwater

- 5.9 The Developer's Consultant Lithos, indicate that the flows in the upper granular layer will not be interrupted by the raising of levels on the development site. The Principal Engineer agrees that although additional material is being placed on the upper granular layer, due to the nature of the granular material it will not detrimentally affected by this additional materials and so there will be no significant impact on the groundwater flow through the granular material.
- 5.10 The other potential influences on the groundwater flows are the construction of the new properties and the re-introduction of land drainage; these could potentially interrupt or prevent the passage of groundwater. The Developer has confirmed that the foundations of the new properties and the land drainage will extend through the new fill and into the upper part of the granular layer though they will sit just above the usual groundwater level, so again the groundwater flows will not be interrupted.
- 5.11 The re-introduction of the land drainage is to control shallow groundwater, so this would come into operation in instances when the upper granular layer becomes saturated; it is not designed to dewater the groundwater which is present in usual circumstances either in the area of the development site or the wider area which includes the Broadlea estate properties.

(ii) Surface Water run-off

- 5.12 The other area of concern relating to flood risk to the existing neighbouring development is surface water run-off from the new development. Surface water on the new development is managed by surface water sewerage system and a land drainage system.
- 5.13 The surface water sewerage system will ultimately be adopted by Yorkshire Water Services limited, this system accepts surface water from highways and hard surfacing around domestic properties (Roofs and driveways). The levels across the site have been designed so that in the event that the surface water sewerage system's capacity is exceeded the excess surface water will flow naturally towards the southeast of the new development, away from the existing Broadlea Estate and discharge to the Leasmires drain watercourse.

- 5.14 The land drainage system is in place to manage shallow groundwater and will also deal with standing surface water as it percolates through the ground. Land drainage is located in the gardens of the new properties and crucially in the rear gardens of properties that abut the existing Broadlea estate properties to manage excess surface water that may occur in extreme storm events.
- 5.15 The developer will have a property management company in place to manage the public open spaces and land drainage in the public spaces, where land drainage is located in residential gardens it becomes the responsibility of the house owner. Purchasers should be made aware of the land drainage installation by the Developer and their duties in relation to its maintenance; the Principal Engineer advises that guidance on maintenance requirements is given to property owner.

Public Open Space

- 5.16 The Public Open Space located on the south eastern corner of the new development is proposed by the Developer to have dual function, public open space and as a dry basin for excess surface water.
- 5.17 The computer modelling on the surface water sewerage system and its reaction to rainwater indicates that surface water may start to enter the basin during some rain storms that occur once every two years. During a 1 in 30 year event the depth of surface water is estimated at just over 500mm and in the 1 in 100 year event including an allowance for climate change the surface water depth is estimated at just less than one metre.
- 5.18 The design and proposed construction of the basin is to allow in usual circumstances for the basin to be dry, the sides of the basin are graded to allow its use by the public. The construction of the basin incorporates an impermeable layer that will not allow groundwater to enter into the basin and land drainage is incorporated in the basin to manage groundwater above the impermeable layer. Surface Water flows into and out of the basin through the overflow pipe from the public surface water drain, due to the generally short-lived nature of flooding in the area standing water in the basin should not be prolonged.
- 5.19 The Principal Engineer advises that there should be a management mechanism for maintenance of the basin if debris is present after flooding.
- 5.20 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes.
- 5.21 Even with the best design of this basin, its use as a public open space is compromised to an extent by its double function, the extent of the compromise is arguable.

Yorkshire Water

- 5.22 Yorkshire Water has no objection in principle to:
- i) The proposed sewer and disposal main diversions.
 - ii) The proposed separate systems of drainage on-site and off-site.
 - iii) The proposed amount of domestic foul water to be discharged to the public foul/combined water sewer (primarily via pumped outlet).
 - iv) The proposed point of discharge of foul water to the public foul/combined water sewer as submitted on drawing QD651-03-01 (revision D) dated 30/04/2012 that has been prepared by Queensbury Design.

- 5.23 The submitted drawing shows surface water proposed to be drained to watercourse via storage with restricted discharge.

Environment Agency

- 5.24 Have confirmed that sufficient information has been submitted in order for conditions 11 and 12 to be discharged.
- 5.25 Request that the Internal Drainage Board agree the surface water discharge rate with the Applicant.

Kyle & Upper Ouse Drainage Board

- 5.26 Comments awaited.

6.0 OBSERVATIONS

- 6.1 The proposed drainage scheme and the necessity to increase levels across the application site has focussed attention on four issues, namely: (1) land drainage impact on surrounding land (2) York Road streetscene (3) impact on neighbour amenity (4) function of public open space. Each issue is examined in turn:-

Land drainage impact on surrounding land

- 6.2 Policy DP6 of the adopted Development Policies DPD states that: "Proposals for new development must be capable of being accommodated by existing or planned services (whether supplied by utility providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. These systems will include off-site service infrastructure, surface water, sewage disposal, water and sewerage facilities, flood risk defences and control facilities, power and any other public services."
- 6.3 As detailed within the Principal Engineers comments, the proposed surface water drainage and land drainage scheme will ensure that the application site is properly drained and will not have a detrimental impact on the neighbouring Broadlea estate, neighbouring properties along York Road or allocation sites to the north and south.

York Road Streetscene

- 6.4 In order to meet the requirements of the Flood Risk Assessment and develop a surface water drainage scheme that discharges by gravity, levels have been elevated across the site by between 0.0m – 1.3m. The greatest increase in levels is towards the York Road frontage. Consequently, it is important to evaluate how the increase in levels affects the streetscene along York Road in terms of achieving high quality design, as required by Policy DP32 of the Development Policies DPD and guidance contained within the NPPF.
- 6.5 The Developer has provided a streetscene drawing which demonstrates how the approved dwellings will sit within the streetscene at the increased level. Given that the development is now retrospective, it is possible to assess the impact on site. A series of up-to-date photographs will also be shown to Members.
- 6.6 The streetscene drawings and its associated levels plan shows that the finished floor levels of Plots 1 to 5 and Plots 92 to 93 are approximately 0.2m above the level of York Road. In addition, the finished floor level of Plot 93 is comparable to the adjacent dwelling (Providence Nook) whilst the finished floor levels of Plot 1 are

0.43m higher it's neighbour to the south (St. Crispin). This relationship provides an acceptable streetscene both in terms of its relationship to the road and the existing neighbours and therefore accords with the objectives of Policy DP32.

Impact on Neighbour Amenity

- 6.7 Policy DP1 of the adopted Development Policies DPD requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. This policy stipulates that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings and not unacceptably affect the amenity of residents or occupants.
- 6.8 The most significant change in site levels occurs adjacent to St. Crispin, which is a detached bungalow standing on York Road. St. Crispin also borders the application site immediately to the south.
- 6.9 A retaining wall has been constructed along the mutual boundary between St. Crispin and Plots 1 & 9 and varies between 0.5m and 1.1m in height. The retaining wall is topped by a close boarded fence which maintains privacy for all occupiers.
- 6.10 The streetscene drawing shows that the ground level locally (garden) falls away from St. Crispin (the dwelling itself) to the mutual boundary where the retaining wall has been constructed. As identified above, the finished floor level of Plot 1 is 0.43m higher than St. Crispin whilst Plot 9 approximately is 0.53m higher.
- 6.11 The Flood Risk Assessment submitted with the original application confirmed that finished floor levels would be set at a minimum of 0.3m above the nearest existing bank level of Leasmires Drain. Clearly, the difference between the finished floor levels identified within the FRA and those constructed is minimal. Notwithstanding this position, the original application did not identify the need for a retaining wall along the northern and eastern boundaries of St Crispin. This retaining wall will be around 3m in height at its highest point to the north-eastern corner of St. Crispin's garden, although the boundary wall reduces to approximately 2.4m in height adjacent to the dwelling itself.
- 6.14 Whilst the proposed boundary treatment is taller than a conventional 1.8m high fence/wall, it will allow for adequate levels of privacy to be maintained between existing and future occupiers. In addition, the outlook/aspect from St. Crispin will not be compromised as the dwelling itself stands over 11.5m from its northern boundary and over 52m from its southern boundary. Finally, the boundary treatment has been constructed using quality materials and is not visually intrusive.
- 6.15 The side elevation of Plot 1 stands approximately 13m from the side elevation of St. Crispin, whilst the rear elevation of Plot 9 stands over 44m from the rear elevation of St. Crispin. These distances substantially exceed the Council indicative separation distances of 21m rear to rear elevation and 2m side to side elevation. Consequently, the proposed increase in site levels of 1.1m (max) will have little impact on the amenity of the occupiers of St. Crispin over an above that anticipated by the approved layout. Elsewhere, the change in levels close to neighbouring dwellings are relatively minor do not have a detrimental impact on the amenity of neighbouring residents by virtue of reduced separation or additional overlooking.

Function of Public Open Space

- 6.16 Policy DP1 of the adopted Development Policies DPD stipulates that development must make provision for the basic amenity needs of occupants and/or users,

including where appropriate provision for an adequate level of open space for the use of occupants/users of the development.

- 6.17 In addition Policy DP37 of the Development Policies DPD requires new housing developments to contribute to towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 6.18 The approved layout contains an area of public open space to the south-eastern corner of the site which has a dual function as dry basin for excess surface water. This space would be used as an informal kick-about area and would not contain children's play equipment.
- 6.19 Following concern expressed by the Town Council and Local Members, Officers have sought confirmation from the Developer that the public open space will drain effectively and be usable as play space.
- 6.20 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes. The Applicant has provided details of dry basins in developments in Ipswich and Cambridgeshire and has also cited the dry basin next to the Hambleton Leisure Centre and the wet basins adjacent to the Civic Centre and in York. The Council's Health and Safety Officer has been asked to comment on this and his advice will be reported to the meeting.
- 6.21 The Council's Principal Engineer concludes that even with the best design of this basin, its use as a public open space is compromised to an extent by its double function, the extent of the compromise is arguable.
- 6.20 Both the Statement of Community Involvement (Appendix One) and the Flood Risk Assessment submitted with the original application made reference to the public open space doubling up as a balancing pond which would only contain water in the event of a 1 in 100 or 200 year flood. Although this proposal was not clearly translated onto the site layout drawings submitted with the original application.
- 6.22 Despite the lack of clarity at the time that the planning application was considered, it would be difficult to deny that information pointing toward storm water storage in the part of the site intended as public open space had been before the Council. The drainage strategy for the site requires storage of storm water from a 1 in 30 year event and if that is not provided in the proposed dual use facility, the following would appear to be the only options:
- (i) Relocation of the storm water storage within the site;
 - (ii) Relocation of the public open space within the site;
 - (iii) Acquisition of additional land for relocation of either storm water storage or public open space;
 - (iv) Accepting a loss of public open space.

Options (i), (ii) & (iii) would have significant financial implications for the developer, assuming that an alternative location for storm water is technically possible. Alternative locations within the site would reduce the amount of housing that could be built and acquiring additional land would incur additional costs. It is therefore highly likely that these options would be resisted or lead to renegotiation of financial contributions on grounds of viability. Option (iv) would not give rise to the same financial considerations but would result in a poorer quality development.

6.23 Under the circumstances, and subject to the Health and Safety Officer's advice, it would be more appropriate for the Council to confirm its acceptance of the dual use public open space / dry basin, as contributing to the development's public open space requirements.

7.0 **RECOMMENDATION**

7.1 **GRANTED** - for the reasons given above and having regard to all other matters raised, it is recommended that application to discharge conditions 10 and 12 be granted.

Parish: Great Ayton

Ward: Great Ayton

Committee Date : 25 April 2013

Officer dealing : Mrs B Robinson

Target Date: 11 May 2012

2.

12/00434/FUL

Construction of an agricultural building for the housing of cattle and storage of hay. at Bank Flow Farm Great Ayton North Yorkshire TS9 6QQ for Mr C Donnelly.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The site lies in open countryside to the north west of Great Ayton. It is approached by a track approximately 50 metres from the road. The site lies at the foot of a hill at the top of which the Langbaugh Ridge is a designated Site of Special Scientific Interest (geological). Field boundaries are hedged and there are single mature trees along the inner hedge line at the foot of the hill. To the north west of the site is the Whinstone View holiday site where holiday chalets extend close to the mutual boundary with the application site.

1.2 The site currently contains a single livestock and general purpose agricultural building approximately 22 x 25 metres, with lean-to addition 6 metres deep on the north-east side. The main building has green colour applied to the concrete panels on the lower part of the elevation facing the road. At the rear of the building there is a concrete feed passage with a retaining wall to the hillside beyond. There is an open yard/hardstanding to the northwest on which there is (approval for) a covered area for storage of manure dimensions 12 x 9 metres, set into the hillside.

1.3 On the site there is a static caravan/mobile home, in use as a temporary dwelling. At the rear of the building the land rises up towards Langbaugh Ridge. Field boundaries are hedged and there are single mature trees along the hedge line at the foot of the hill. On the northwest side the premises bounds a holiday lodge site.

1.4 The proposal is a building to house cattle, and a haybarn, located 20 metres to the north west of the existing. The cattle building is 36.6 x 9 metres, 6.5 metres to ridge. The haybarn is 18 x 6 metres, 7.4 metres high, at the north west end. The materials of the cattle building are concrete panels to the lower part, yorkshire boarding above, and cement fibre sheet to the roof. The hay barn has yorkshire boarding on the upper parts on north south and west elevation, and is open on the lower parts, and on the east side.

1.5 The proposal is stated to be to allow the number of cattle to be increased from 70 head to 120.

1.6 The application is brought to the Planning Committee for decision due to previous Committee consideration of proposals on the site in 2008.

2.0 RELEVANT PLANNING HISTORY

2.1 05/01667/FUL Construction of agricultural building and formation of new access. (Refused - November 2005)

2.2 06/00415/FUL - Construction of an agricultural building, hardstanding and creation of a new vehicular access (Allowed on Appeal - January 2007)

2.3 08/00034/FUL - Extension to existing agricultural building. Granted 12.03.2008

2.4 08/02342/FUL - Temporary siting of a caravan to be used as an agricultural workers dwelling. Refused 23.09.2008 (Allowed on appeal 9 July 2009 Temp - 3 years).

2.5 11/01255/FUL - Construction of retaining wall. Granted 20.09.2012

2.6 12/00618/FUL - Construction of a covered muck store for existing cattle farm. Granted 18.09.2012

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 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 CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues

4.0 CONSULTATIONS

4.1 Parish Council - Councillors request that the business plan be reviewed and the viability of the proposed enterprise be considered prior to decision.

4.2 Neighbours and site notice - last expiry 13.04.2012. No observations received.

5.0 OBSERVATIONS

5.1 The site is a rural location where under CP4, development with a need to locate in the countryside, including agriculture, may be allowed as an exception to CP1 and CP2, if acceptable under other relevant policies of the Local Development Framework. The proposal being agricultural use, the issues will whether the building is appropriate in design to the purpose (CP17, DP32, CP15, DP26) , its effect on the open character of the rural surroundings (CP16, DP30), and any amenity concerns (CP1 DP1).

5.2 In terms of design the proposed buildings have the simple shape of sheds, typical of modern agricultural buildings and are appropriate for the purpose intended. The materials include a timber upper part, which will weather with age, and fit increasingly well in the rural surroundings. The buildings are in public view from the roadside, and will be viewed against the hillside to the north which will help ensure that they are not dominant in the landscape. A Planning Inspector (application ref 06/00415/FUL) has previously required the existing building to be coloured green to help in blend in, and a similar condition in this case will help ensure this is not more prominent than the existing one.

5.3 With regard to amenity, the nearest permanent residents are some distance away and the additional livestock will not be the cause of loss of amenity in terms of noise or smell. Holiday makers use the adjacent site for relatively short periods and taking into account the rural location, the adjacent agricultural use, the additional livestock involved will not give rise to an unacceptable loss of amenity for residents.

5.4 The Parish Council have queried the viability of the enterprise and information has been sought about a business plan that would justify the new building and the information has not been forthcoming to date. Taking this proposal on its merits however it is clearly set out to be for agricultural purposes which is appropriate for the location, would be an extension of the existing cattle rearing enterprise and acceptable in appearance, as has been seen above.

SUMMARY

Due to its location and design the proposal is appropriate to the location and will not have a harmful effect on the amenities of neighbouring occupiers or the open character of the rural location 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 NDS/12/CAS3 received by Hambleton District Council on 16 March 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of a colour to be applied to the external surfaces of the development shall be made available to the Local Planning Authority and shall be approved in writing by the Local Planning Authority. The development shall be coloured and thereafter maintained as so approved, unless otherwise agreed in writing with 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) CP17 DP32.
3. 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 Hambleton Local Development Framework Policy CP17.

3.

13/00473/FUL

Construction of a temporary railway platform. at OS Field 8477 Yafforth Road Romanby North Yorkshire for Wensleydale Railway Plc (Mr N Park).

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The proposal to construct a temporary passenger platform on the south east side of the railway line within railway land. The aim in the longer term is to construct a permanent station with greater facilities to extend the Wensleydale Railway to Northallerton and allow passengers to transfer to main line trains but that will require separate agreement with Network Rail. In the interim, this proposal is seen as a means of bring this section of railway line back in to more regular use, generating more railway income and a build-up to a final scheme.

1.2 Access is to be achieved from Springwell Lane. Only pedestrian access will be possible. No provision is made for vehicles to access to the platform and no parking is proposed as part of the scheme. A statement has been supplied describing how the applicants expect passengers to park in the Northallerton town car parks and walk to the platform, a distance of about 1 kilometre. The applicant states that shuttle buses would operate between Northallerton town centre and the new station on busy days. The statement explains that rail access would be by 'excursion' trains will be from Leeming Bar and that the platform would be used as a short term dismount and that the platform is not expected to generate a lot of passengers actually walking along Springwell Lane. No facilities are provided for those with disability or other forms of limited mobility. A new footway is shown to be formed between the bridleway of Springwell Lane and the new temporary platform.

1.3 The surfacing of Springwell Lane changes from the part close to Ainderby Road where it is fully metalled with kerbed footways, drainage and street lighting to a loose surface with no formal drainage arrangement and where both vehicles and pedestrians share a substantially potholed track of limited width. The application does not propose to change any of the features of Springwell Lane.

1.4 The access footway 191 metre in length from the platform to the existing crossing on Springwell Lane is to comprise a fenced rolled loose surface stone path. The path would pass along what is currently undulating scrub covered trackside terrain. The south western end of the platform would be 68 metres from the Yafforth Road overbridge.

1.5 The platform is to comprise a scaffolding and boarding with fence barriers having an 8.1 metre ramp at the north eastern end, a length of 65 metres and a width of 2.5 metres. The platform would be about 1 metre above ground level, the safety rail at the back of the platform would be about 2 metres above ground level.

2.0 RELEVANT PLANNING AND ENFORCEMENT 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;

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

44.0 CONSULTATIONS

4.1 Romanby Parish Council - no comments received

4.2 NYCC Highways - no comments received

4.3 EHO - No comments to make regarding the application.

4.4 Network Rail - has no objection in principle to the development subject to discussion over pedestrian access arrangements and consent under the lease agreement.

4.5 Notifications to neighbour and site notices have resulted in concerns being expressed as follows.

The construction would be 'temporary' but for an indeterminate number of years.

The revised Parking Provision (Rev3), Transport Assessment & Travel plan dated 16.3.13 is contradictory. On one hand it states 'no train services will originate or terminate at Northallerton West' and 'it is expected that most passengers will, as now, join trains at Leeming Bar ...' However, in the previous paragraph WR indicate 'on particular days when larger numbers of passengers can be expected, WR will put on a shuttle bus ...'.

This presumably means that train services WILL originate or terminate at Northallerton West otherwise they wouldn't need a shuttle bus.

The report acknowledges that the road from Springwell Lane (known as Castle Hills) to the proposed 'station' site is unadopted and unmade.

Despite assurances that WR literature will advise travellers to use the car parks in Northallerton, human nature is such that travellers will attempt to park as close to the 'station' as possible without having to pay. The nearest car park, the Applegarth Car Park, is a good 10 minutes' walk away, is pay and display and is also frequently full to capacity. There is doubt that passengers will walk to the platform from the Applegarth especially in bad weather.

Many residents on one side of Castle Hills currently park cars/vans outside their properties. This already causes problems for residents on the other side of the road when backing out of their drives. On the occasions when 'stray' vehicles enter the road, they often have to reverse back down the road to the adopted section before being able to turn around.

Additionally, the road is currently in a bad state of repair with many potholes and any further vehicle traffic will compound the problem.

I note the proposal to erect a notice regarding there being no car parking available - but who, if anyone, is going to police this? WR state they have very little money to build the 'station'. However, they also state that if the 'station' is successful they will set up car parking in an adjacent field to be accessed from Yafforth Road.

The 'lane' from Yafforth Road to the railway line is in a worse state of repair than the opposite direction - are they really going to raise sufficient money to make this good enough for vehicles? I very much doubt it, in which case they will continue to use the access from Springwell Lane.

Whilst I would encourage the re-instatement of disused railway lines, in fact my grandfather was an engine driver on this very line, I do not believe that the WR have given sufficient thought to the disruption and potential road damage the erection of this 'station' will cause to the residents of Castle Hills.

Concern that the platform will give rise to noise from trains and the public destroying the peace of the area.

The temporary station will act as a draw for those likely to indulge in anti-social behaviour and be a source of litter.

5.0 OBSERVATIONS

5.1 The main issue is the access to the platform via Springwell Lane.

5.2 The Wensleydale Railway line is the subject of LDF Policy DP16 that seeks to support transport investment which will help sustain the local economy noting that support will be given in particular to "development of the Wensleydale Railway" as one of a list of 5 projects. Extending the railway to Northallerton would clearly accord with this policy.

5.3 The supporting information with the application notes the aspiration of the Wensleydale Railway plc to establish a station in Northallerton and to raise awareness wish to run trains in to Northallerton.

5.4 The proposal introduces new development in a location outside the Development Limits of a settlement in the hierarchy of CP4. The proposal must therefore be considered in the light of the three tests of CP4. The first test is whether the scheme is in broad compliance with the objectives of sustainable development in CP1, and whether the proposal will minimise the need to travel by the private car as detailed in CP2. It is widely held that the use of rail as a means of travel is a 'sustainable' option. The use of the Wensleydale Railway as a means of travel and to sustain the local economy is specified within the LDF at DP16. It is considered that the proposal is in broad compliance with the objectives of CP1 and CP2 and therefore meets the first test of CP4 insofar as it extends the provision of a more sustainable travel option. However, the likely detailed impact of the new station on local travel patterns, which are predominantly by road, is considered below. The second test of CP4 is whether the proposal falls within the scope of one or more of the six criteria of CP4. It is considered that the principle of providing a station for the Wensleydale Railway in Northallerton is necessary to meet the needs of recreation and tourism (criteria i). Such a proposal would help to support a sustainable rural economy as a consequence of increasing the accessibility of places along the route of the Wensleydale Railway and the consequent visitor spending associated with heritage railway lines. The proposal therefore meets the second test of CP4. The third test is to not conflict with the environmental protection and nature conservation policies of the LDF, subject to mitigation or compensatory measures. This requires consideration of the detail design and landscape impacts of the proposed platform.

5.5 The site for the platform is on the south side of the railway line between two gently undulating agricultural fields. The opportunity for views of the platform are mainly from Yafforth Road, the Beckside residential estate about 150 metres to the south east and from the bridleway Springwell Lane about 170 metres and from a single dwelling "Victoria Cottage" that is about 90 metres to the east of the proposed platform. In each case the views are relatively distant. The height of the platform is shown as 0.9 metres above the level of the track and the hand rail at the back of the platform is about 2.0 metres above the track level. The simple open framework of the scaffolding platform would not be highly visible or intrusive in the landscape and would not detract from the openness of the landscape. Accordingly the proposal is considered to meet the requirement of third test of CP4.

5.6 The detailed design of the access path and temporary platform are simple and functional, providing the minimum necessary for passengers to embark or alight from a train. The design is not adorned by any features beyond the minimum. As a temporary structure to meet a particular need in a location that is distant from vantage points the platform is considered to be of an acceptable design.

5.7 The access to the platform from Springwell Lane is shown to be achieved by a crushed stone track with timber fencing. The applicants acknowledge that the access route is not suitable for people with disabilities.

5.8 The absence of parking on or adjoining the platform creates concern regarding the impact on residents who live on Springwell Lane and other users of Springwell Lane. The applicant acknowledges these difficulties in their Updated Parking Provision document in which it is noted that:-

If the Northallerton West platform is successful, it is likely then to increase the pressure for car parking close to the platform. In that case Wensleydale Railway would, subject to agreement with the farmer who owns the field adjacent to the line, provide parking in the field adjacent to the platform which would then be accessed from Yafforth Rd, Romanby, near to Willow Beck garage. This would also provide a better general access, though we would still expect foot passengers to join via Springwell Lane.

The Updated Parking Provision document refers to the expected number of passengers using "Northallerton West" and notes that when significant numbers of passengers are predicted then a minibus shuttle in to the town would be provided. In this scenario the platform would result in an increase number of vehicle movements along the publicly maintained part of Springwell Lane.

5.9 The provision of the nearby car park would, of course, require planning permission in its own right and that cannot be assumed at this stage.

5.10 The outstanding issues is the potential that passengers who disregard the advice of Wensleydale Railway and park along the public or bridleway section of Springwell Lane will lead to obstruction or inconvenience to other users. Even with all the measures proposed by the applicant, use of the new station could increase local car journeys to and from Springwell Lane, at least until passenger numbers justify the investment in a shuttle bus which would then only operate on the busiest days. The prospect of passengers parking on Springwell Lane is therefore very real and it could continue even with all the measures the applicant refers to because it would be free of charge and close to the Northallerton East station.

5.11 The Wensleydale Railway has been invited to consider removing the ability for passenger to begin or end journeys at the platform as away of avoiding these problems. This would still allow passengers to alight from the train but would require passengers to re-board the train to use the station at Leeming Bar or other stations on the railway line. Alternatively consideration can be given to the extent to which the existing parking restriction on Springwell Lane and the narrowness of the bridleway section of the Lane are sufficient to prevent unacceptable inconvenience to other road users from the parking of additional

vehicles on the Lane. A third option is to use a 'travel plan' to control parking and prevent unauthorised parking, this could rely upon the provision of a shuttle bus during the busiest periods coupled with a member of Wensleydale Railway staff monitoring parking on the unmade section of Springwell Lane and the signage and information provided in promotional material by Wensleydale Railway.

5.12 The application has been made for a temporary station, it is considered appropriate to limit the duration of any consent that may be granted to allow a review of conditions to ensure that the measures are sufficient to address the concerns raised.

SUMMARY

The provision of a station for the Wensleydale Railway in Northallerton is considered to support the rural economy and accord with the objectives of the Local Development Framework. Subject to planning conditions to address concerns identified in this application as set out below the use and the operational development is considered to be acceptable on a temporary basis.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED TEMPORARY PERMISSION**

1. The temporary permission hereby granted is valid only until 30th June 2014 and the temporary platform 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. No development shall commence until a travel plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken and operate in complete accordance with the approved travel plan unless it is otherwise varied in writing by the Local Planning Authority.
3. No development shall commence until a scheme for the provision of bins and bin emptying has been submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be undertaken in accordance with the approved scheme, unless it has previously been varied in writing by the Local Planning Authority.
4. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SW2117-1 Rev D platform received by Hambleton District Council on **** unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. The Local Planning Authority wish to give consideration to whether the development should continue and in order to review any controls by means of planning condition to prevent the any adverse impacts of the development.

2. To control the access arrangements for staff and visitors to the Northallerton East temporary station in the interest of the safety of highway uses, to enable access by the emergency services, and protect the amenity of neighbours in accordance with the Local Development Framework Policies CP1 and DP1.
3. To provide for waste collection and reduce the potential for an accumulation of litter arising from the use of the station.
4. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and 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 Policy(ies) CP17 and DP30.

Attached - Updated Parking Provision - Transport Assessment document of 20 March 2013.

C Parking Provision (Rev 3)
Transport Assessment
Travel Plan
for the Proposed Station at Northallerton West

Traffic: For this temporary platform no specific parking provision will be made in the platform area itself. Although access to the platform will be off Springwell Lane the road is an unadopted, unmade up road and there are no places where parking could be introduced.

Wensleydale Railway plc will, in its literature relating to the use of this platform point out that there is no parking at or near this platform and it will recommend potential car users to use a "Park & Ride" approach to get to the platform. They will be advised to park in one of the Northallerton Town car parks and walk to the platform. On particular days when larger numbers of passengers can be expected, Wensleydale Railway will put on a shuttle bus which would operate from the Applegarth to the end of the public road on Springwell Lane. It will not use the unadopted section of the road. It is also proposed that a notice be erected at the end of the public road section of Springwell Lane to notify traffic that there is NO car parking for the Wensleydale Railway platform along or near this private road and that road access is only for residents.

There will be no train services that will originate or terminate at Northallerton West. Most services will, as now, originate/terminate at Leeming Bar.

It is expected that most passengers will, as now, join trains at Leeming Bar or other stations further up Wensleydale, and will either stay on the train or walk on Northallerton West platform while the train prepares to return. Walking on the platform will also allow passengers to see the "South Curve" along which the route to the proposed permanent station will go. It is not expected that large numbers of foot passengers will walk along Springwell Lane into Northallerton.

This platform will affect local public transport travel opportunities as it will offer local people the opportunity (at 25% discount) to travel from Northallerton directly up into Wensleydale without having to use the road system, hence reducing cars on the roads. Conversely, it will also offer people living in the dale the opportunity to travel into Northallerton without using a car which will make a small reduction in the numbers of cars coming Northallerton.

It is expected that the main use of the platform will be by tourists and transport enthusiasts. It is not expected to generate many additional journeys to work.

At this stage of the project, it is very difficult to assess numbers of trains that will use the platform and hence numbers of passengers. However, in an attempt to put some numbers in this assessment and to try to establish the impact on the town, Wensleydale Railway considers that the following is a reasonable approach:

The length of the platform is designed to accommodate up to three carriages which have the potential to carry a maximum total of about 150 people per train. However, apart from the inaugural trip and "specials" the actual number of passengers on each train will be well below this figure.

The table below shows three scenarios, a full train, a two thirds full train and a one third full train. As previously stated it is expected that most of the passengers will not leave the platform, so for illustration purposes, we assume that 80% are staying on the train and 20% either board or leave the train. Of this 20% some will follow the recommendations made to them and walk into Northallerton - say half, and the rest will want to access their cars. It is also assumed that each car will have at least two passengers.

Using these figures, this indicates that it is possible that between 5 and 15 people may be travelling by car for each train depending on the loading. This equates to between 3 and 6 cars. These can easily be accommodated in the town car parks. On the days when Wensleydale Railway predicts that the trains will carry significant numbers of passengers then a mini bus shuttle into town will be provided.

The opening day is scheduled for 4th July which is half way through this year's season so this year's trains to and from Northallerton West do not appear on the current timetable. After 4th July it is expected that there will be no more than one or two trains per day.

Note also that the railway does not operate every day of the year. In the summer (16 weeks) there are train services every day. In the late spring and early autumn (17 weeks) trains operate typically four days per week. In the early spring and late autumn they operate at weekends only (15 weeks) and in the winter period there are no train services (10 weeks). So the total days in the year when a train service operates is about $112 + 68 + 30 = 210$ days.

In addition to foot and car passengers there will be occasional cyclists who would use the station and want to take their cycles to ride on at their Dales destination. This will obviously be safer for them than using the busy roads between Northallerton and the dale. Their cycles will, as now from other Wensleydale Railway stations, be accommodated free in the guards van section of the trains.

Because the line from Leeming Bar to Northallerton West will have been completely upgraded it is anticipated that more charter trains will come onto the line from other railway companies. None of these will stop at Northallerton West because the platform there will not be long enough to accommodate the trains which are typically 11 carriages in length.

If the Northallerton West platform is successful, it is likely then to increase the pressure for car parking close to the platform. In that case Wensleydale Railway would, subject to agreement with the farmer who owns the field adjacent to the line, provide parking in the field adjacent to the platform which would then be accessed from Yafforth Rd, Romanby, near to Willow Beck garage. This would also provide a better general access, though we would still expect foot passengers to join via Springwell Lane.

Wensleydale Railway is funding this project from its own resources with no public money provided and does not have sufficient funds to do more than a minimum cost project at this stage, hence the application for a temporary platform.

The platform is the first step on the way to providing a permanent Wensleydale Railway station in Northallerton which may well take several stages to achieve. When Wensleydale

Railway builds the permanent Northallerton Station, then appropriate car parking provision will be included along with provision for buses and coaches and it will become part of the transport hub as described in the Hambleton Local Development Framework, proposal NC2.

This temporary platform is seen as a means of bringing this section of railway line back into more regular use, generating more railway income and is an affordable first step towards the provision of a permanent station. Wensleydale Railway, under the terms of its lease with Network Rail is required to maintain the 5.5 miles of railway line between Northallerton and Leeming Bar and this is a drain on resources if no income is generated from it.

Wensleydale Railway is striving to become financially sustainable and its strategy to achieve this includes provision of services between Northallerton and Leeming Bar and also extending westwards from Redmire into Upper Wensleydale. This temporary platform is a key element of this strategy.

The social and financial benefits of the Wensleydale Railway to the communities it serves are set out in the Ove Arup and Partners report dated 2009, a copy of which has been deposited with Tim Wood, Planning Development Manager at Hambleton District Council.

4.

13/00396/LBC

Revised application for the installation of 32 solar panels onto roof of existing shop

at Woollons And Harwood 61 Market Place Thirsk North Yorkshire for Woollons & Harwood.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks Listed Building Consent for the installation of 32 solar panels on the south facing roof slope of Woollons and Harwood Shop premises at 61 Market Place Thirsk. This is a Grade II Listed Building located within the Conservation Area.

1.2 Each panel is proposed to measure 1638 x 982mm and they are to be sited so as to almost cover the front roof slope of the building (which is occupied by Woollons _ Harwood and Oxfam).

1.3 Further information has been submitted with this application which states that:- "The applicant is reapplying and asks for the energy advantages to be considered fully". They state:- "There is no demolition or change planned to any of the structure of the building, apart from the addition of the solar panels to the roof, as outlined in the plans. The proposed installation will be mounted on the south facing roof of the property, the installation would comprise of 32 solar panels, and each panel is approximately 1.6 x 1m in size. No part of the installation will be within 1 metre of the edge of the roof, and will not be more than 200mm above the plane of the roof. The system will be attached to the roof using hanger bolts fixed to the existing roof rafters. When the system reaches the end of its service life, the roof may be restored to its original condition by removing the installation, and replacing any damaged slates as necessary."

The statement continues:- "Since the previous refusal we have looked into the possibility of reducing the size of the system by say omitting the highest row of solar panels. But due to the amount of work, and the costs involved in the installation process, the calculations show clearly that this would not be financially viable."

Also state that:- "With the property in question being a large commercial shop unit which has a very high energy usage, the applicants would like to be able to make the property more sustainable, and to be able to offset their energy usage by generating their own electricity. As explained, it would not be financially viable for them to reduce the number of panels."

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/02252/LBC - Application for listed building consent to install 32 solar PV system on the roof of existing shop - Refused January 2013 for the following reason

The proposed development is contrary to the NPPF and the Hambleton Local Development Framework Policies CP16 and DP28 due to the harm that would be caused to the character and appearance of the heritage asset by the number, size, layout, materials and surface finish of the photovoltaic panels.

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

4.0 CONSULTATIONS

4.1 Town Council - "The Council's opinion is that the roof of the shop is only visible from occasional glimpses from the opposite (north) side of the Market Place and hardly visible at all from the south side. We feel the intention to use solar energy outweighs the conservation side."

4.2 Thirsk and District Business Association support the application and their comments include that solar panels have been installed on historic buildings such as Bradford Cathedral and the installation of solar panels "with a view that looking after the environment is very important. The installation has had an added incentive for these projects where the money saved on energy could be reinvested into the buildings they have been installed upon". In respect of Thirsk it is felt that "The ability to be able to save money through the use of renewable energy sources and to invest these savings back into the overall appearance of the buildings will be a key factor for future investment. This allows the building to also have better commercial appeal for prospective new tenants who would be able to trade in the town with reduced energy bills from the solar panels."

4.3 Neighbours/site notice/advert expired 15 April. No response.

5.0 OBSERVATIONS

5.1 The main issues in this case relate to the impact of the works on the heritage asset that is 61 Market Place, Thirsk. The property is a Listed Building, although the proposed works would cause no significant harm to historic fabric the proposal would cause harm to the character and appearance of the building. It is important therefore to also assess whether the previous reasons for refusal have been overcome in this current application.

5.2 The building sits on the northern side of the Market Place and is one of a row of properties that encloses the Market Place on its northern side. The varying heights and angles of roof slopes of the buildings around the Market Place are an important element that helps to define the character of the place, the absence of roof lights, solar thermal panels, or PV (photovoltaic) panels also defines the character of the place. Natural materials dominate the roof slopes, overlaying the roof covering with PV panels would disrupt the existing character and cause harm to the appearance of the building. The surface finish and changed unit size and horizontal emphasis would all be at odds with the existing character and appearance of the building.

5.3 Contrary to the opinion of the Town Council that the roof "is only visible from occasional glimpses from the opposite (north) side of the Market Place and hardly visible at all from the south side." photographs taken during a visit to the site clearly show the fact that this roof scape is clearly visible from elsewhere within the Market Place notably from the eastern side where the whole part of the roof is visible and as such the impact of this proposal would therefore be significant.

5.4 The development would harm the host building and in turn detract from the setting of neighbouring buildings (some of which are also listed). The appearance of the roof of 61 Market Place is assessed as having a high significance to the heritage asset. It is therefore important to avoid or minimise harm to the roof, NPPF paragraph 132 tells the local planning authority "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.". Para 133 of NPPF states that development which would lead to substantial harm to the significance of a designated asset should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In this case it is stated within the supporting documentation submitted by the agent that the applicants wish to "be able to offset their energy usage by generating their own electricity.". No details have been submitted to demonstrate whether any energy will be fed back into the grid and it appears that the intention is to use the energy provided themselves. As such

there would appear to be very limited 'public benefit' and any benefit would not outweigh the harm to the listed building.

5.5 The harm caused to the character and appearance of the building is contrary to the objective of the NPPF to protect and enhance the historic environment. The proposal is also contrary to the LDF Policies CP16 and DP28 as it "is inconsistent with the principles of an asset's proper management". In applying "great weight" (NPPF p.132) it is necessary and appropriate to recommend refusal of this application.

5.6 The fact that the PV panels would generate renewable energy and that they may be removed when they either become redundant is not considered to outweigh the harm caused during the period of siting them on the roof.

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 CP16 and DP28 due to the harm that would be caused to the character and appearance of the heritage asset by the number, size, layout, materials and surface finish of the photovoltaic panels.

5.

12/02514/FUL

**Demolition of existing dwelling and garage and construction of a replacement dwelling and detached domestic garage.
at Silent Springs Strait Lane Nosterfield North Yorkshire
for Mr Kinsell.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a replacement dwelling and ancillary garage block with integral dependent relative accommodation on land at Silent Springs which is a small estate 1 mile north of West Tanfield and 0.5 miles south of Well. Access is gained from the B6265 road 0.5 miles west of Nosterfield.

1.2 A statement submitted in support of the application notes that :

"The current dwelling was constructed in the 1930s by a returning Colonial Officer and built to reflect the design and accommodation he enjoyed in South Africa and does not reflect the local vernacular in any respect whether in design or material use. The proposal is to replace the current dwelling and associated accommodation with a new family residence that reflects the local vernacular in a modern interpretation using local materials that reflect similar country houses and farms dotted around the area not directly related to specific residential clusters such as villages."

"The existing use of the land is currently developed as a single detached dwelling with a separate two-storey garage with granny flat over. The proposed development is to be a single family dwelling with garaging and granny flat over. The new building is to be set slightly further back than the current dwelling but uses much of the current site area. The garaging and granny flat are to be repositioned to the rear of the new dwelling to form a secure courtyard and parking area.

"The building is to be two storey's to the eaves (nb albeit with a basement and use of the attic/roofspace for additional accommodation) with pitched roofs in materials reflecting the local vernacular and form. The adjacent garaging and granny flat are similar in scale to that being replaced. The building is to be in stone, colour and texture to reflect that found locally in the past. The roof is to be finished in natural slate to reflect local properties of a similar scale, type and form. The windows are to be of aluminium to meet current energy conservation standards and provide a contemporary aspect to the scheme."

"The property has mature well established gardens which the proposal seeks to enhance."

"The proposal develops an existing residential site to provide a high quality home for the current owners replacing a dated poor quality dwelling which is out of context with the local vernacular and has a poor energy conservation performance with poor ventilation and does not meet the current standards or needs of the family."

1.3 The site is well screened in the local landscape and additional planting is proposed. The existing dwelling is not of architectural importance though it does display the characteristics as described above due its discreet location does not intrude into the local landscape.

1.4 Although the proposed replacement dwelling and ancillary buildings are larger than the existing complex they are sited slightly further back into the site than the existing property.

Following discussions with the applicant photo-montage interpretations of the siting of the dwelling were provided and subsequently it was agreed that the dwelling will be set 0.9m further down into the site. No material arising from the creation of the basement element will be removed from the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been no previous applications within the site.

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
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

4.1 Well Parish Council : No objections.

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

4.3 Natural England : No objections.

4.4 Yorkshire Water : No comments.

4.5 Environment Agency : No objections subject to any comments of Environmental Health Officer.

4.6 Environmental Health Officer : No objections.

4.7 The application was advertised by site notice at the entrance to the site and the two closest neighbours were consulted. No representations have been received.

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 principle of the construction of a replacement dwelling in this location outside the defined development limits of a settlement (Policies CP4 and DP9), the scale, design and materials proposed (Policies CP17 and DP30) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30). The contents of paragraph 60 of the NPPF which advises that not to impose particular architectural tastes but seeking to reinforce local distinctiveness are also considered relevant in this case.

5.2 It has been noted above that the site is outside any recognised settlement but, nevertheless, has been in residential use for in excess of 80 years. The current property is not an attractive feature and the applicants state that it is poorly insulated and has suffered from a lack of maintenance prior to their purchase such that extension/conversion is not practicable. They wish to construct a new property appropriate for current family needs with a high level of insulation and reduced energy consumption. Such a proposal is in accordance with Policy DP9 which states that such a proposal is acceptable "where it

constitutes replacement of a building where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion."

5.3 It is a key consideration that the new development does not cause harm to the openness, intrinsic character and quality of the District's landscape as required by Policies CP16 and DP30. As noted above the new development is more substantial than the 'complex' which it replaces. The siting and location of the dwelling is within its own landscaped setting. The building is considerably higher than the dwelling that is to be replaced. The traditional form of the roof structure is considered to enable the building to be assimilated within the landscape. Additional planting within the applicant's surrounding land will enhance the setting. Photomontages have been supplied to indicate the visibility of the new dwelling within the landscape. Additionally Members will have had the opportunity to view the site and surroundings on a visit before the Committee meeting.

5.4 The design is considered to be a mix of traditional scale and massing of a house of this type with natural materials but including modern detailed elements appropriate for the 21st century. It is considered that the design of the dwelling is in accordance with paragraph 60 of the NPPF which states that : "Planning Policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to promote or re-inforce local distinctiveness." It is considered that the current submission appropriately meets the aim of the NPPF and accords with the requirements of the LDF policies.

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 the contents of the National Planning Policy Framework in that the proposal, although larger in scale than the dwelling to be replaced is of a high standard of design, will utilise natural materials and create a dwelling appropriate for modern use with significantly improved levels of insulation and reduced energy consumption with no demonstrable adverse impact on local visual amenity or landscape character.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within 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. 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.

3. The annexe accommodation hereby approved within the scheme shall not be occupied as separate independent dwelling and shall remain ancillary to the use of the adjacent main dwelling known as Silent Springs. It shall form and remain part of the curtilage of the main dwelling as a single planning unit and shall be used as living accommodation only by members of the family, or the occupiers of the main dwelling.

4. 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.

5. No surplus materials arising from the construction of the dwelling shall be removed from the site without the prior written agreement of the local Planning Authority.

6. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (ref 1184-D2 ; 1184-03 ;1184-D6 ; 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. 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 further enhance the visual setting of the development and provide any appropriate screening in accordance with Local Development Framework Policy DP30.

3. The dwelling hereby approved, known as Silent Springs is a replacement for an existing dwelling. The provision of a second independent dwelling in this location would be contrary to Policies CP4 and DP9.

4. To ensure that the development is appropriate in terms of visual amenity in accordance with Local Development Framework Policies CP1, DP1 and DP30.

5. In the interest of local amenity.

6. 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 CP16, CP17, DP30 and DP32.