

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 22 June 2017 (P.5 - P.6), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 22nd June, 2017 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	K G Hardisty
	M A Barningham		C Patmore
	D M Blades		C Rooke
	S P Dickins		D A Webster
	Mrs B S Fortune		

Also in Attendance

Councillor	Mrs J Watson	Councillor	S Watson
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Apologies for absence were received from Councillors B Phillips and A Wake

P.5 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 25 May 2017 (P.3 - P.4), previously circulated, be signed as a correct record.

P.6 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 17/00829/FUL - Extension to soft drinks factory with associated loading docks and circulation space and landscaping at Caw House, Conygarth Way, Leeming Bar for Cawingredients Ltd

PERMISSION GRANTED

- (2) 17/00757/FUL - Proposed storage barn at Prospect House, 22 Mill Lane, Leeming for Mr & Mrs Faith

PERMISSION REFUSED as no exceptional circumstance or essential requirement had been demonstrated for the construction of a building of this scale outside development limits.

The decision was contrary to the recommendation of the Executive Director.

(The applicant, Darren Faith, spoke in support of the application.)

(Brenden Howe spoke objecting to the application.)

- (3) 16/02124/OUT - Outline application for the construction of five dwellings with all matters except access reserved at Land south of Cricket Ground, Hornby Road, Great Smeaton for Mr G Tuer

PERMISSION GRANTED subject to an additional condition relating to archaeology

(The applicant's agent, Steve Hesmondhalgh, spoke in support of the application).

- (4) 16/02442/OUT - Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings at OS Field 9348, Back Lane, Great Broughton for Site Plan UK

PERMISSION REFUSED

(The landowner, Robert Cooper, spoke in support of the application.)

(Michael O'Neill spoke on behalf of Great Broughton Parish Council objecting to the application.)

(Charles Forgan spoke objecting to the application.)

- (5) 17/00585/FUL - Construction of eight house with garages and highway access at Land West of Paddock Close, Tollerton Lane, Huby for Northmead Developments Ltd

PERMISSION GRANTED

- (6) 16/01836/FUL - Construction of 25 dwellings at Land to the north of Hutton Fields and The Wickets, Garbutts Lane, Hutton Rudby for Mr R Baird

PERMISSION GRANTED subject to the satisfactory completion of a planning obligation to secure 40% of units (not less than 10) as affordable housing as defined by LDF policy.

(The applicant's agent, Ian Lyle, spoke in support of the application).

(Allan Mortimer spoke on behalf of Hutton Rudby Parish Council objecting to the application.)

(Dr Derek Simpson spoke objecting to the application.)

- (7) 17/00624/FUL - Conversion of and extension to existing bungalow to form two dwellings; alterations and extensions to two semi-detached cottages; and removal of vehicle repair workshop at Seven Lodge, Post Office Lane, Kirby Wiske for Mr Jason Hurley

PERMISSION GRANTED subject to receipt and consideration of a Yorkshire Water consultation response

(The applicant's agent, Timothy Crawshaw, spoke in support of the application).

- (8) 17/00625/LBC - Listed building consent for alterations and extensions to two semi-detached cottages at Seven Lodge, Post Office Lane, Kirby Wiske for Mr Jason Hurley

PERMISSION GRANTED

- (9) 17/01189/DPA - Demolition of Portal clad, steel framed building to provide additional car parking to evolution business centre at Unit 7, County Business Park, Darlington Road, Northallerton for Hambleton District Council

PERMISSION GRANTED

- (10) 17/00962/MRC - Removal of condition 9 (requirement for affordable housing provision) attached to 15/00905/OUT (Outline Planning Permission for the construction of 8 dwellings) at Chapel Farm, Pickhill for Mr Barningham

PERMISSION GRANTED

(The applicant's agent, Mike Powell, spoke in support of the application).

Disclosure of Interest

Councillor M A Barningham disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (11) 17/00794/FUL - Construction of one detached dwellinghouse and domestic garage at The Paddock, Sandhutton for Mr & Mrs Kane

PERMISSION GRANTED

- (12) 16/02364/REM - Reserved Matters application for 6no dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to Outline Planning Application Permission ref: 15/00408/OUT - for residential development at Land north of The Paddocks, Main Street, Sessay for Daniel Gath Homes

DEFER for further consideration of drainage issues

(David Willoughby spoke on behalf of Sessay Parish Council objecting to the application.)

- (13) 17/00808/FUL - Change of land use to allow 59 pitches for touring caravans at Otterington Caravan Park, South Otterington for Mr G Dale

PERMISSION GRANTED

(The applicant's agent, Robert Barrs, spoke in support of the application).

- (14) 16/02262/FUL - Demolition of two houses and construction of five detached dwellings with associated highway improvements and revised site access at Hillside, Wentworth Avenue, Thormanby for Mr & Mrs A Hogarth

PERMISSION GRANTED

(The applicant's agent, Rob Thickett, spoke in support of the application).

(Philip Marwood spoke objecting to the application.)

- (15) 16/02527/OUT - Outline planning permission for construction of a detached two storey dwelling at The Old Byre, Church Street, Well for Mr & Mrs P Tolmie

PERMISSION GRANTED

The meeting closed at 5.15 pm

Chairman of the Committee

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 20 July 2017. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 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 Executive Director. 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 Executive Director 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
Executive Director

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

Thursday 20 July 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02213/OUT Mrs C Strudwick Brandsby –cum- Stearsby Page No: 11	Outline application (all matters reserved) for the construction of 3 detached dwellings with associated car parking and gardens following the demolition of existing horticultural nursery buildings, glasshouses and associated structures For: Mr and Mrs Tregellis At: Cherry Hill Nurseries, Cherry Hill, Crayke Road, Brandsby RECOMMENDATION: REFUSE
2	17/01062/OUT Mrs C Strudwick Flawith Page No: 17	Outline planning application including access for the development of 4 residential dwellings For: Alcuin Homes At: Land to the north west of Foxholm House, Flawith RECOMMENDATION: GRANT
3	17/00786/FUL Miss L Chambers Kirkby Fleetham with Fencote Page No: 27	Demolition and reconstruction of domestic outbuildings to form new dwelling and associated access. For: Mr and Mrs Booth At: Fencote Hall, Hergill Lane, Little Fencote RECOMMENDATION: GRANT
4	17/00610/MRC Miss L Chambers Knayton Page No: 33	Proposed variation of condition 3 (deletion of criteria iii - the caravans shall not be occupied by persons or connected group of persons for a period exceeding 28 days in any calendar year) to previously approved application Reference Number: 16/02136/FUL (Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches) For: Mr and Mrs Cook At: Hillside View Caravan Park, Canvas Farm, Moor Road, Knayton RECOMMENDATION: GRANT
5	17/01172/MRC Mrs H Laws Pickhill Page No: 39	Removal of condition 8 (requirement for affordable housing provision) attached to 15/02717/OUT - (Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping) For: Mr Anthony Smith-Ketteringham At: The Cottages, Street Lane, Pickhill RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
6	17/00803/FUL Miss L Chambers Romanby Page No: 49	Demolition and construction of new service station store, pumps and new underground fuel tanks. For: Stevensons of Oxbridge Ltd At: Former Garage, 10 Boroughbridge Road, Northallerton RECOMMENDATION: GRANT
7	16/02364/REM Mr T Wood Sessay Page No: 57	Reserved matters application for six dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to outline planning permission 15/00408/OUT for residential development For: Daniel Gath Homes At: Land north of The Paddocks, Main Street, Sessay RECOMMENDATION: GRANT
8	17/00073/MRC Mrs H Conti Shipton Page No: 63	Removal of condition 15 and variation of condition 14 (to read cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030 and no cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority) to previously approved application 14/02558/MRC - Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL For: Wernick Group Limited At: Station Lane, Shipton By Beningbrough RECOMMENDATION: GRANT
9	16/02269/REM Mr T Wood Sowerby Page No: 71	Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 641 homes and associated infrastructure For: Taylor Wimpey North Yorkshire At: Land east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby RECOMMENDATION: GRANT
10	17/00982/OUT Mrs C Strudwick Sowerby Page No: 83	Outline approval for a detached two storey dwelling For: Mr and Mrs Robinson At: Howebridge, 5 Blakey Lane, Sowerby RECOMMENDATION: GRANT
11	17/01102/OUT Miss L Chambers Stillington Page No: 87	Outline application for the construction of up to 5 dwellings For: Messrs Graham & Ian Sparrow At: Home Farm, Mill Lane, Stillington RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
12	16/01138/S106 Mr P Jones Stokesley Page No: 93	Variation of Section 106 Agreement associated with application 14/02578/OUT - affordable housing requirements For: Cecil M Yuill And Gentoo Homes At: White House Farm, Stokesley RECOMMENDATION: GRANT
13	17/00493/FUL Miss L Chambers Thirsk Page No: 97	Demolition of dwelling and construction of 5 new dwellings, garages and ancillary works For: Moorside Developments At: Wisteria Cottage, 21 Station Road, Thirsk RECOMMENDATION: GRANT
14	16/02587/FUL Mrs H Laws Well Page No: 105	Construction of a replacement agricultural building For: Mr Garry Elsworth At: Well Hall Farm, Well RECOMMENDATION: GRANT

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Parish: Brandsby-cum-Stearsby

Committee date: 20 July 2017

Ward: Huby

Officer dealing: Mrs C Strudwick

1

Target date: 26 July 2017

16/02213/OUT

Outline application (all matters reserved) for the construction of 3 detached dwellings with associated car parking and gardens following the demolition of existing horticultural nursery buildings, glasshouses and associated structures

At Cherry Hill Nurseries, Cherry Hill, Crayke Road, Brandsby

For Mr & Mrs Tregellis

This application is referred to Planning Committee at the request of Councillor Cookman

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The 0.49ha site is a former plant nursery which lies 2.8km from the edge of Crayke village and 750m from Brandsby, outside any Development Limits. The site is within the Howardian Hills Area of Outstanding Natural Beauty.
- 1.2 The site is elevated above the Crayke Road between Brandsby and Crayke, and is well screened by mature evergreen trees. The land contains derelict polytunnels, base walls from old polytunnel buildings, glasshouses, above ground fuel tanks, oil burners, silo storage and overgrown areas previously used for the cultivation of plants. The buildings were used for commercial purposes, in association with the previous tenant's horticultural nursery business, and would be cleared to make way for the proposed development.
- 1.3 The application forms describe the proposal to be in outline with all matters reserved, however the application forms show the proposal seeks approval for three two-storey dwellings. The site location plan suggests the proposed development would be served by a single vehicular access point from Crayke Road, although that would be for a reserved matters submission to consider in detail. Two options have been provided for the point of connection of the internal access road to Crayke Road. On the basis that the access is a reserved matter the requirement at the outline stage is to assess whether a suitable access can be achieved in principle.
- 1.4 If approved the number (scale) can be controlled by condition and the reserved matters, i.e. access, appearance, landscaping, and layout would be for a later approval.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP1 - Protecting amenity

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP2 - Access
Development Policies DP17 - Retention of employment sites
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP9 - Development outside Development Limits
Howardian Hills Area of Outstanding Natural Beauty Management Plan 20014-2019
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Before any decision is made consideration should be given to the access/exit onto the road. The dangers of the access/exit cannot be over stressed.
- 4.2 Highway Authority – The existing access serving the former nursery has very substandard visibility at 2.4 metres x 8 metres westerly towards Crayke and 2.4 metres x 15 metres easterly towards Brandsby. The visibility requirement is 120 metres at this location. Whilst adequate visibility in an easterly direction could be provided by setting back the boundary hedge, it appears unlikely that the visibility to the west could be provided given the road alignment and the height of the land. A suitable access could be provided located approximately 90 metres east of the existing access. The boundary hedge on the western side of this possible access position would need realigning to achieve the required splay (approximately 90 metres of hedge). To the east of this possible access position, the required visibility splay could be provided with a minor amount of hedge trimming.
- 4.3 AONB Officer – Objects in the belief that the proposal is contrary to the relevant policies within the NPPF, Hambleton Local Plan and AONB Management Plan:
- Core Strategy Policies CP4, CP6 (paragraph 4) and CP16 of the Hambleton District Local Plan, in relation to distribution of new housing and protection of the nationally designated AONB landscape;
 - Policies DP9 and DP30 of the Development Policies DPD; and
 - National Planning Policy Framework paragraph 14 (presumption in favour of sustainable development), which makes it clear that the presumption does not apply in areas where specific policies in the Framework indicate that development should be restricted. Footnote 9 stipulates that this includes AONBs.

The proposed access to the site is totally unsuitable and situated close to a blind corner. Although this is a matter for the Highway Authority to advise the LPA on, any works to create a satisfactory visibility splay would require significant hedgerow removal and earthmoving works, which in themselves would have a significant detrimental impact on the AONB landscape due to the scale and extent needed.

The disused nursery site would still have a significantly lower impact on the AONB landscape than the proposed housing scheme. No other work (e.g. demolition of old sheds, etc.; erection of new structures) could be undertaken without obtaining planning consent.

- 4.4 Environmental Health Officer – No objection; recommends land contamination conditions.
- 4.5 Public comments - One objection has been received, summarised as:

- Government policy is that new build isolated developments in the countryside, unless there are special circumstances, should not be approved;
- The development cannot be considered to be part of a sustainable community;
- It would have a detrimental impact on the appearance of the local countryside;
- Concerns of road safety and potential traffic accidents due to the bad access from Crayke/Brandsby road;
- The site should return to nature and blend in with surrounding woodland, as consistent with the AONB Management Plan “primary purpose”;
- Consent would create an unwanted precedent of piecemeal requests for planning approval of new built multi housing development in rural areas outside village boundaries; and
- Noise from a rookery on the site.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) whether the principle of development here meets the requirements of CP4; (ii) how development in this location would impact on the Howardian Hills Area of Outstanding Natural Beauty; and (iii) whether a suitable access can be provided in principle. All other matters are reserved for later approval, although some consideration of (iv) design is appropriate at this stage.

Principle

- 5.2 The application site lies outside the Development Limits of any settlement and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 Policy CP4 states that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of Policies CP1 and CP2, including where (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance.
- 5.5 The site is currently occupied by a series of derelict glass houses which form part of the former plant nursery. This use is no longer in operation and the applicant has stated that there is no intention of using it for this purpose again, hence the submission of this application. It is anticipated by the agent and applicant that the “regeneration of the site via the construction of a well-designed housing scheme would secure a substantial improvement in the appearance of the site, particularly when viewed from neighbouring properties.” The agent argues that the scheme should therefore benefit from the exception afforded by CP4, criteria (ii), that “it is necessary to secure a significant improvement to the environment”. However, the impact of the existing structures is not considered so great that it can justify new dwellings in a location where such development is resisted by policy. The buildings can be removed without the need for planning permission but if nothing is done, their impact will soften with time and decay and the natural growth of vegetation.
- 5.6 The site presently is not causing a detrimental loss of visual amenity or impacting unacceptably on the contribution the landscape makes to the Howardian Hills AONB. In effect there is no need to develop the site in order to secure an improvement to the environment of the magnitude that CP4 criterion ii is concerned with.

- 5.7 The dwellings would each benefit from the provision of at least four parking spaces, which demonstrates the anticipated reliance on the car as a means of travel by residents. This scheme does not comply with CP2 because occupiers would have a high reliance on private transport and through their indication of at least four parking spaces the developer has highlighted this dependency.
- 5.8 The site is beyond the acceptable 2km to a sustainable location set out in the Council's Interim Policy Guidance (IPG) on housing development in villages, and does not reflect the existing built form and character of a village, as it is isolated and not within a village setting. Therefore the scheme cannot draw support from the IPG.
- 5.9 The Howardian Hills Management Plan 2014-2019 sets out that Local Communities objective LC1 is to assist local communities with identifying and implementing projects that maintain and enhance their character, sustainability and sense of community. It is not considered that an isolated development of three large houses would enhance the character, sustainability or sense of community. Accordingly the proposal is also contrary to the Howardian Hills AONB Management Plan.

Impact on the Howardian Hills Area of Outstanding Natural Beauty

- 5.10 The primary purpose of AONB designation is "to conserve and enhance natural beauty". There would be a greater improvement to the environment if the derelict glass houses were simply removed, returning this site to the wooded and farmed landscape that is dominant in the Howardian Hills. It is further considered that the development of three houses would cause unacceptable harm to the setting of the Howardian Hills Area of Outstanding Natural Beauty.
- 5.11 The site is well screened from Crayke Road by a band of mature conifer trees and so does not causing significant harm to the local environment in its current condition. Given the steep gradient of the site it is unlikely that there would be prominent views of the site from the road if the trees were lost to create or alter the access. There will be a greater impact on the far ranging views across the countryside if the trees were to be lost, however given the nature of the site which is being overtaken by natural growth it is considered that a derelict site would have less of an impact on those medium or long range views than that of three large houses, and associated hard landscaping and car parking.
- 5.12 The agent states that in their opinion the proposed new dwellings would "snuggle" between existing dwellings, thus adding to a small group of buildings. The site does lie within an area of dispersed buildings but they are clearly in a countryside setting and do not achieve a village character. It is considered that the proposed dwellings would not nestle in to the landscape but would appear dominating in their setting. They would thus adversely impact on the setting of the open countryside and the Howardian Hills Area of Outstanding Natural Beauty.

Access

- 5.13 Whilst the matter of access is not for consideration in this outline application, the current access to the site off Crayke Road is considered substandard. The Highway Authority has commented that the visibility requirement is for 120 metres along the road at this location.
- 5.14 Access options have been submitted in support of this application, in an effort to demonstrate that a safe access can be created. For a safe access to be created the access road would need to be extended from its current position at least 45m to the east. Given the gradient of the land any creation of a road would involve the levelling of the land and potentially the removal of trees as well as hedgerow. The harm to the

rural landscape which would be caused as a result of the road creation would not be outweighed by any benefit that three dwellings might bring.

Design

- 5.15 Whilst not a matter for determination at the outline application stage, the agent and applicant should be aware of the design issues. The application indicates the proposal is to build three two-storey dwellings ranging between 315sqm and 325sqm (although it is acknowledged this detail would be agreed at reserved matters). The National Described Space Standards sets the benchmark for a six-bedroom two-storey house at a minimum of 123sqm. Even at 315sqm the dwellings would be twice the size of this recommended minimum. The Council's Size, Type and Tenure of New Homes SPD (adopted September 2015) sets out the Council's intention to achieve a higher percentage of two and three bedroom homes. The indicative details are of a scheme that would not provide dwellings of a size required to meet local needs.

6.0 RECOMMENDATION

That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. Development site is outside Development Limits and fails to meet Local Development Framework Policies CP1, CP2 and CP4 due to its isolated location. This site is remotely located with no services and without convenient access to services in a nearby settlement by alternative modes of transport. Residents would rely almost exclusively on private vehicle to access any services or facilities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. In this instance no special circumstances have been demonstrated and the proposal would be isolated from shops and services which are approximately 6km (Easingwold) from the application site. The development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP2, CP4, CP16, DP9, DP10 and DP30 and the Council's Interim Planning Guidance and in particular, but not exclusively, paragraphs 29, 37 and 55 of the National Planning Policy Framework.
2. The site in its current derelict condition of the site does not cause significant harm to the appearance of the landscape of the Howardian Hills Area of Outstanding Natural Beauty. The construction of three houses in this remote and isolated site of the Howardian Hills Area of Outstanding Natural Beauty would cause harm to the appearance of the landscape and any benefit from removal of the derelict buildings would not outweigh the harm to the landscape. The proposed siting of development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP28, and DP30.
3. The level of works required to provide a safe means of access to the site are of such an extent that they would cause significant harm to the protected landscape of the Howardian Hills Area of Outstanding Natural Beauty. The works required by the proposal are contrary to the Local Development Framework Policies CP1, CP4, CP16, DP28, and DP30.
4. The proposed development is not in keeping with the Howardian Hills Area of Outstanding Natural Beauty Management Plan 20014-2019 in that it proposes isolated dwellings in the countryside and cause harm to the character and appearance of the Howardian Hills Area of Outstanding Natural Beauty.

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Parish: Flawith
Ward: Easingwold
2

Committee date: 20 July 2017
Officer dealing: Mrs C Strudwick
Target date: 28 July 2017

17/01062/OUT

Outline planning application including access for the development of 4 residential dwellings

**At Land to the North West of Foxholm House, Flawith
For Alcuin Homes**

This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a 0.4 hectare agricultural field at the north western end of Flawith, on the northern side of the main street. Flawith is defined as an Other Settlement in the updated Settlement Hierarchy. The site is 1.8km from the development limits of Alne, which is defined as a Secondary Village in Settlement Hierarchy.
- 1.2 The site is well screened from the main road through Flawith by mature hedging on its western boundary. It has access tracks to the north and south ends and a pronounced slope down from the north east to the south west towards the main road.
- 1.3 The application is in outline form and seeks detailed permission for the access and shows the layout of four four-bedroom detached dwellings with detached garages. The proposed layout shows an access point at the north western corner of the site which then curves into the site to allow access to each plot.
- 1.4 Details of appearance, landscaping, layout and scale are reserved for later approval. Whilst details of finished floor levels have been submitted these are indicative.
- 1.5 This is a re-submission of a similar scheme refused in February 2017. Since the refusal the access arrangements have been changed from each dwelling having its own access point off the main road, to a single access point serving all the dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 83/0903/OUT - Outline application for two dwellings; Refused 22 December 1983.
- 2.2 06/00857/OUT - Outline application for a dwelling; Refused 29 June 2006.
- 2.3 16/02575/OUT - Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access (all other matters reserved); Refused 10 February 2017.

The reason for refusal identified the following harm:

- i. Harm to the character of the settlement due to the earthworks that would be required to form accesses to the site as a consequence of the difference in levels between the elevation of the site above the level of the highway;
- ii. The adverse impact upon the character of the settlement and the countryside beyond the settlement through the dominating effect of the elevated position of the dwellings on the site; and

- iii. The significant overbearing impact on the neighbouring residential property due to the dominant elevated position for the proposed dwellings.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP28 – Conservation
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, Type and Tenure of New Homes
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Aldwark Area Parish Council objects to the application. It states that whilst there have been some changes to the layout, siting and access arrangements the reasons for the previous refusal appear not to have been addressed, namely issues around sustainable development; the Settlement Hierarchy; protection and enhancement of natural assets; protecting amenity; being outside Development Limits; the form and character of settlements (protection of intrinsic qualities of open areas); and protection of character and appearance of the countryside. The principal concern remains that of the overbearing impact of the proposed dwellings on the properties opposite and this application fails to address that issue.
- 4.2 Highway Authority – No objection; conditions recommended.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No objection; conditions recommended.
- 4.5 NYCC Heritage Services – Response awaited. (Officer note: On the previous application (16/02575/OUT) a condition of archaeological mitigation recording was recommended. In the absence of an update that advice is considered relevant.)
- 4.6 Public comments – Four objections on the following grounds:
 - Loss of privacy of existing residents due to the elevated site;
 - The foul sewerage system is unable to cope with further development;
 - The current drainage system is unable to cope with the level of surface water run-off;
 - The single point of access is in too close to the access point opposite and the farm track adjacent;
 - Lack of detail regarding the heights and elevation;
 - The policies cited in the previous reason for refusal have not been answered in the positive with regard to this application;
 - Given the large size of the development, approximately a 12% growth, this likely suburban character could be detrimental to the rural character of the area;
 - Loss of agricultural land; and

- Hambleton has no housing need for the next 5 years.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of residential development in this location; (ii) how the scheme would affect the character and appearance of the village and the countryside; (iii) access; and (iv) residential amenity.

Principle

- 5.2 Flawith is classified as an Other Settlement within the updated Settlement Hierarchy and has no Development Limits. Therefore, development can only be permitted by Local Development Framework (LDF) policies in the exceptional circumstances set out in policy DP4. None of those exceptions are claimed for the application, which would therefore be a departure from the Development Plan. However, it is necessary to consider national policy that post-dates the LDF.
- 5.3 The National Planning Policy Framework (NPPF) was published in 2012 and states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 The Council therefore developed Interim Policy Guidance (IPG) to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the LDF. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.5 As an Other Settlement, Flawith is not considered to form a sustainable community in its own right. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. However, the villages in question must be sufficiently close together (approximately 2km between settlements) to be able to cluster and have a good collective level of shared service provision in order to be considered a sustainable community.
- 5.6 Flawith is separated from the development limits of Alne by 1.8km of road. Alne is classified as a Secondary Village within the Settlement Hierarchy and therefore considered a sustainable location in its own right. The proposal would therefore be

capable of supporting local services in Aine and would be in accordance with the aims of sustainable development.

Character and appearance

- 5.7 The development of four units is within the scope of the IPG guidance as small in scale and this site is located close to and opposite residential properties within the settlement. As such, four dwellings fronting the road would relate well to the existing linear form of Flawith and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship (including elevations) to neighbouring properties. Flawith is a linear village in so much as development is limited to lining the main road, often close to the road, with very limited development to rear of frontage development. Development itself is not rigidly set and there is variety in the separation distances of dwellings from the road, and how development is perceived from public vantage points, particularly roads. For example there are instances of dwellings with gables facing the road. This adds variety and distinctiveness to the village character. This assortment of design should be acknowledged and reflected in layout at reserved matters stage.
- 5.8 There are approximately 29 dwellings along the main street of Flawith and an additional four would represent an estimated 13% increase in development. The IPG advises that small scale would normally be considered to comprise up to five dwellings but it does not provide any guidance as to what is an appropriate overall level of growth for a settlement. There has been very limited development occurring in Flawith in recent years. In that context, the level of growth, whilst significant for a village of this size, is not considered to be harmful to the character of the settlement. However, it is considered that the proposed four dwellings represent the highest level of growth that can readily be accommodated within the capacity of the village without significant impact on the character and form of the settlement.
- 5.9 The boundaries of this site are well defined by the tracks to the north and the south, and the main road to the west. The four proposed houses would form a natural termination to development at the northern end of the village, facing White Horse Farm and separated from the open countryside further north by the access to Headlands Hall Farm.
- 5.10 The site is well screened by hedgerows on the main road through the village. One section of hedgerow would be removed to allow the creation of a single access point, which will serve all of the dwellings. Full landscaping details to mitigate this should form part of a reserved matters application. Reserved matters for this development would also need to take into consideration the need for soft landscaping within this rural landscape setting to avoid detrimental impact on the natural environment. It is envisaged that this can be achieved without detriment to the character of the settlement or the open countryside.
- 5.11 The site is elevated above the main road. The road is shown as 21.94 as a fixed datum point. It is indicated that the finished floor level of plot one would be 23.50 and plot four would be 25.00. To help limit the impact of the elevated site the plots are shown cut into the slope reducing the indicative height of the dwellings by 0.5m in comparison to the previously refused application. A maximum building height could be set by condition. The concerns leading to the previous refusal regarding the elevated nature of the site persist however the proposed reduced finished floor levels will reduce to some extent the dominant effect of dwellings. However the changed access arrangements and retention of the boundary hedge will make a more substantial difference in the impact of the development on the area and must also be taken in to account, as discussed below.

Access arrangements

- 5.12 The proposed single access point is considered an improvement on the previous scheme. This single access arrangement whilst close to other accesses is found to be satisfactory in terms of movement and highway safety. The formation of a single access point is considered to avoid harm to the character and appearance of the area. Additionally the changes address the impact of the earthworks required to achieve the individual accesses shown in the previous scheme.

Residential Amenity

- 5.13 The indicative plan shows the proposed dwellings to be opposite Pebble Cottage, Pebble House and White Horse Farm house. The indicative plans shows a separation distance of 27m from plot two to White Horse Farm, 28.5m between plot three and the outbuilding of White Horse Farm, over 29m between plot four and Pebble Cottage and approximately 27 between plot four and Chandlers Cottage. It is considered that four dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties. The scale and positioning of the dwelling houses, of which indicative details have been submitted, are matters to be properly dealt with through reserved matters submission.

The planning balance

- 5.14 The harm previously identified to be caused by the elevated position of the dwellings that would be dominant over the neighbours and the countryside are addressed by the scheme. These are (i) lowering of the proposed dwellings would reduce the impact and this can be controlled by a planning condition. The earthworks required to form multiple accesses is overcome by (ii) the use of a single point of access and the extent of change in the landscape is substantially reduced. The single point of access would also allow (iii) the retention of the unbroken boundary hedge along most of the site frontage and thereby minimises the extent of change and overcomes the harm previously identified. The separation distance to the neighbours are unchanged but by the retention of the boundary hedge and reduced earthworks, the extent of change and the actual, and perceived, scope for overlooking and consequent loss of privacy would be reduced. It is considered that these factors taken together are significant and address the requirements of the LDF policies and overcomes the previous reason for refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site. This decision grants permission for no more than 4 dwellings.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. 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. No part of the western boundary hedge shall be reduced to a height lower than 1.6m above the adjacent ground level or removed.
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. No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) community involvement and/or outreach proposals; (c) the programme for post investigation assessment; (d) provision to be made for analysis of the site investigation and recording; (e) provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) provision to be made for archive deposition of the analysis and records of the site investigation; and (g) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
8. No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 6.
9. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
10. 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.
11. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (b) The existing access shall be improved by construction in accordance with the approved details and Standard Detail number E6Var; (c) 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; (d) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10; and (e) The final surfacing of any private access metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway.

12. 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 for giving clear visibility of 45 metres measured along both channel lines of the major road (Main Street) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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 building(s) or other works until the details of the following required off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority: (a) Provision of a 2 metre wide footway linking the dwellings with the existing north eastern footway; and (b) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
14. 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 building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. 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 details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. 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.
16. 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: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

17. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .

The reasons 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 Local Development Framework Policy 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policy DP 32 and DP33.
5. The hedge is considered to make an important contribution to the setting of the site, to provide screening and soften the impact of the new development on the countryside, the village street and to neighbouring property and should be retained in accordance with LDF Policies CP1, CP16, and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
8. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
9. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
10. In the interests of highway safety
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
12. In the interests of road safety.
13. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
15. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
16. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
17. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Kirkby Fleetham With Fencote Committee date: 20 July 2017
Ward: Morton on Swale Officer dealing: Laura Chambers
3 Target date: 27 July 2017

17/00786/FUL

Demolition and reconstruction of domestic outbuildings to form new dwelling and associated access.

**At Fencote Hall, Hergill Lane, Little Fencote
For Mr & Mrs Booth**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Fencote Hall is a substantial dwelling set within generous gardens, with a range of associated outbuildings. The hall is located to the south of Hergill Lane at the eastern edge of the village. The part of the site to which the application relates is the walled garden area and outbuildings to the south east of the hall itself.
- 1.2 Little Fencote is a small village principally centred on a green off which most properties take access. Fencote Hall is not a listed building; however the site has been identified as a non-designated heritage asset.
- 1.3 Planning permission was previously granted to convert outbuildings within the grounds to form a separate dwelling with an access taken from a private drive to the south of Hergill Lane. This application seeks permission to demolish the outbuildings and instead erect a dwelling of a similar footprint and scale in their place.
- 1.4 The same access arrangements as previously approved are proposed as part of the application. The proposed dwelling would have three bedrooms, an attached car port to accommodate two parking spaces. An existing stable building is to remain on site in its current use and without being altered externally.
- 1.5 Improvements have been secured as follows: Improvements have not been secured because the proposal is considered acceptable.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02600/FUL – Conversion and extension of domestic outbuildings to form new dwelling and associated access; Granted 7 April 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable development
Core Policy CP2 – Access
Core Policy CP4 – Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Development Policy DP1 – Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 – Access for all
Development Policy DP8 – Development Limits

Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP28 – Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Development Policy DP33 - Landscaping
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations.
- 4.2 Highway Authority – No objection subject to confirmation of access to the adopted highway.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Environment Agency – No comments received.
- 4.6 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; and (ii) design and the impact on a heritage asset.

Principle

- 5.2 The site falls outside of Development Limits and Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be allowed in locations beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. This is in contrast with the situation of the previous application, where exception was found under CP4 ii for the conversion of the buildings now proposed to be redeveloped on the basis that it would preserve the setting of adjacent non-designated heritage assets (Fencote Hall and its walled garden). However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the settlement hierarchy contained within the IPG, Little Fencote is defined as an Other Settlement; however it is also identified as part of a cluster of villages with Kirkby Fleetham and Great Fencote and is therefore considered a sustainable location for development. As such, the proposal satisfies criterion 1 of the IPG that

development must provide support to local services including services in a village or villages nearby.

- 5.5 The previous approval of a dwelling on the site was predicated on the intention to convert the existing buildings and drew support from CP4, criterion ii in that it would have maintained the setting of a feature of acknowledged importance, namely Fencote Hall and its walled garden.
- 5.6 The current application would not retain the original structures, however they are considered to have limited architectural significance in their own right; their value lies in the contribution they make to the setting of the main house. On this basis, and provided the replacement buildings are of an appropriate quality to contribute equally to the setting of the Hall and its walled garden, the principle of redevelopment can be considered positively.

Design and heritage

- 5.7 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.8 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.9 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 The Statement describes the character of the surrounding area as a modest village that has developed to the west of the Hall, which itself is situated within a parkland style setting and described as a typical country gentleman's residence. The supporting statement accurately reflects Little Fencote as a small settlement of principally residential properties, Fencote Hall being the most substantial of which.
- 5.11 It is noted that the coach house and stables on the site are to be retained in their current form and would be used for ancillary domestic purposes as existing.
- 5.12 The other development options considered were the previously approved scheme for conversion of the existing buildings, however it has been identified that substantial alteration and re-building would be required resulting in limited original fabric being retained and there would be accommodation on varying levels making access impractical.
- 5.13 The built form as existing includes a two-storey central coach house flanked by single storey wings to each side, a brick boundary wall links this building to the associated hen houses to the south, forming an internal courtyard area. The new dwelling would sit on broadly the same footprint as the existing buildings, but range of buildings would be subsumed to form a single property, albeit the area of the existing hen houses would become the location for a carport and boot room. The previously proposed scheme proposed to introduce a glazed extension to the building but this has now been omitted.

- 5.14 The proposed single storey elements of the scheme would be higher than existing in order to facilitate usable room heights; this was also true of the previously approved scheme for conversion and does not detract from the overall design of the property. Good quality materials, including some to be reclaimed, are proposed and would be appropriate to the setting.
- 5.15 While the structures themselves are no longer proposed to be conserved, the proposed development would reflect a similar built form and appearance. The proposed redevelopment would therefore offer an enhancement to the environment of a feature of acknowledged importance.
- 5.16 Access is to be taken from a private drive in the ownership of a neighbouring property that connects into the adopted highway to the west, as previously approved. The Highway Authority has confirmed it has no objection in principle, but has asked for clarification as to whether access to the adopted highway is achievable. The applicant confirms that the requisite notice has been served on the third party landowner, who has granted access to the private drive, and as such appropriate access would be achieved.
- 5.17 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. That harm would be the loss of outbuildings that complement the Hall and its walled garden. However, as noted earlier, the proposed replacement building is of comparable quality and would be subservient to the main hall. Conversion of the buildings has been determined to require substantial further alteration and removal/rebuilding and as such only limited original fabric would remain should the previous permission be implemented.
- 5.18 The significance of the buildings is considered to be their relationship with Fencote Hall in terms of layout and scale, the built form as presently exists would be sustained and the historic link and land uses of the buildings would be remain apparent.
- 5.19 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would result in an enhancement of the setting of Fencote Hall, making sustainable use of the site without detracting from the character of the Hall or wider village.
- 5.21 The proposal would also allow small scale residential development within the village in support of existing services in the nearby villages of Kirkby Fleetham and Great Fencote, as identified as appropriate in terms of the Council's Interim Policy Guidance and the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 16/1510/10 and 16/1510/11 received by Hambleton District Council on 06/04/17 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development 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 development.
4. All buildings within the red line boundary shown on plan number 16/1510/10 shall be used as a single residential unit and shall not be subdivided to form an additional dwelling.

The reasons 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 Policies CP1, CP2, CP4, CP16 and CP17.
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.
4. In the interests of an appropriate form of development and for the avoidance of doubt.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Knayton with Brawith

Committee date: 20 July 2017

Ward: Bagby & Thorntons

Officer dealing: Mrs L Chambers

4

Target date: 27 July 2017 (requested not yet agreed)

17/00610/MRC

Proposed variation of condition 3 (deletion of criteria iii - the caravans shall not be occupied by persons or connected group of persons for a period exceeding 28 days in any calendar year) to previously approved application Reference Number: 16/02136/FUL (Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches)

At Hillside Caravan Park

For Mr & Mrs Cook

This application is referred to Planning Committee as the condition which it is proposed to vary was agreed by the Committee.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is 2.6 hectares in size, and abuts the Hillside Caravan Park which itself extends to approximately 6.2 hectares and accommodates 50 touring caravan pitches, timber camping pods (eight approved under 14/02595/FUL) and a single holiday let plus communal amenity block, games room and office/reception, original farmhouse and storage space. The site lies approximately 2km northeast of Knayton, to the north of Moor Road. The caravan park is a former agricultural (dairy) farmstead and wider holding that has diversified into tourism.

1.2 The previous permission for an additional 49 static pitches was granted subject to the following condition:

“The development must comply with the following requirements that:

- (i) The caravans are occupied for the holiday purposes only;
- (ii) The caravans shall not be occupied as a person’s sole, or main place of residence;
- (iii) The caravans shall not be occupied by any persons or connected group of persons for a period exceeding 28 days in any one calendar year; and
- (iv) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.”

1.3 It is proposed to omit clause (iii) within the condition so that caravans can be occupied by any person or group for more than 28 days in any calendar year. That part of the condition was intended to maximise the contribution of the additional 49 static caravans to the rural economy by ensuring they would be occupied by a wide range of users throughout the year, forcing a greater turnaround of tourists rather than a single owner or group making repeat visits. However, it was the applicants’ intention that they would operate on a holiday home basis and as such they contend that the occupancy restriction would prevent the business operating as intended.

1.4 The remainder of the restrictions within the condition are not proposed to be altered and as such occupancy would still be limited to holiday purposes only, not sole

residences and the site operator would be required to maintain an up-to-date register.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02136/FUL - Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches; Granted 19 January 2017.
- 2.2 14/02595/FUL - Provision of eight pitches for the siting of timber camping pods with associated access; Granted 3 March 2015.
- 2.3 11/01943/FUL - Change of use of agricultural land for use as an extension to the existing caravan park to create an additional 15 touring caravan pitches; Granted 7 November 2011.
- 2.4 11/01942/FUL - Alterations and extension to former agricultural building to form a reception, office, recreation and amenity building with a worker/holiday flat at first floor; Granted 16 November 2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
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 DP37 – Open space, sport and recreation
Development Policies DP39 – Recreational links
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement on Landscape Character – March 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see application approved.
- 4.2 Ramblers Association – No comments received.

4.3 Environmental Health Officer – No objection.

4.4 Public comments – None received.

5.0 OBSERVATIONS

5.1 The principle of development has been established by the previous planning application, the purpose of this application is to determine whether the development would still be acceptable if one of the conditions previously imposed was amended.

5.2 The main issues to consider are: (i) economic benefit; (ii) levels of activity; and (iii) effectiveness of the condition as worded.

Economic benefit

5.3 The clause to limit the length of occupancy sought to prevent the site being used repeatedly by the same visitors, as it is considered those who visit the site on a regular basis would not re-visit attractions in the area or create the same demand for services and would offer less support to the rural economy than might otherwise be the case. It is considered that the shorter stays that clause (iii) of the condition promotes has the potential to provide greater economic benefits in terms of employment opportunities in administering the lettings and in cleaning and laundry services associated with more frequent turnover.

5.4 The applicant has identified research on behalf of the British Holiday Home & Park Association from 2012 that indicates average daily spend for visitors is not materially different between those who are owner occupiers, those renting or those occupying touring units. The Council does not have independent evidence of the actual levels of visitor spend or the variations in economic impact (through direct employment such as maintenance, cleaning, site and bookings management jobs or indirectly through visitor attractions and pubs and restaurants) arising from the different types of occupation of holiday accommodation.

5.5 Policy CP4 identifies tourism as an exception that could justify development beyond Development Limits; it does not however specify the scale or nature of development concerned or identify thresholds relative to the level of support to the rural economy that would deem development acceptable. However, it is reasonable to assume that pattern of occupation would need to be significantly different from that of a second home in order for the full economic benefits of tourism to be realised. However, the proposed development is of a scale that would undoubtedly have some beneficial impact on the rural economy and while potentially greater economic benefits may be generated by a different operating model, it should be borne in mind that in this instance part iii of the condition would require the applicants to introduce a new dimension to their business.

Levels of activity

5.6 Of particular concern in the original assessment of this application was the level of activity and vehicle movements that could be generated by the proposed development. It was highlighted that an owner occupancy model would result in a lower level of occupant turnover than a rental model, although it is suggested that some private rental of the units could take place this would evidently be to a lesser extent than in a 'fleet hire' scenario.

5.7 At the time of considering the original planning application the Local Highway Authority raised concern about the potential impact of additional traffic generated by the caravan park in conjunction with existing traffic on Moor Road and advised that additional passing places would be required to address this issue.

- 5.8 The submitted transport statement and subsequent assessment by Highways was based on an owner occupied model of caravan park; there is potential for the rental model to increase the level of trips taken to and from the site and thereby increasing the potential for vehicles to damage highway verges on sections of Moor Lane that are single carriageway.

Effectiveness of the condition

- 5.9 The revised wording of the condition is such that securing the units as solely for holiday accommodation would still be achieved, however removal of the time limit clause proposed would allow for a greater length of stay and/or number of visits by an individual or group and it would be difficult to draw a distinction between a second home and a private holiday home in terms of monitoring compliance under clause (iv).
- 5.10 It is asserted by the applicants that the condition as currently worded is open to interpretation and as a result does not meet the requirement to be sufficiently clear or precise. Uncertainty is raised regarding the reference to 28 days and whether this is a continuous period or a cumulative number throughout the year, as well what is meant by a 'connected group of persons'.
- 5.11 The supporting information submitted with the application suggests that the condition would place an undue burden on the site operators to identify every person connected with an occupant and the condition is unenforceable as a result. While it is not considered the condition as worded is unreasonable this should be balanced with the benefit it is intended to achieve. Given the assessment above regarding economic activity and vehicle movements, it is not clear that given the intended occupation model the time limiting clause in the imposed condition would deliver significant planning benefits sufficient to warrant its imposition.

The planning balance

- 5.12 The merits of this application are finely balanced. There is no empirical evidence on the relative economic merits of different business models. It is apparent that benefits would accrue from the development of the caravan park on the basis intended by the applicant. There is no evidence to show that the alternative models of occupation, such a "fleet hire" would have significantly greater economic value to the local economy. It is therefore considered that deletion of clause (iii) of condition 3 would not materially undermine the merits of the proposed development and can therefore be supported.
- 5.13 The model of occupation that the applicants wish to operate would have a lesser impact on the local highway network than the model with more frequent turnover that clause (iii) of the condition seeks to promote. In this case, that benefit is considered to justify removal of clause (iii) when the relative absence of evidence relating to economic gains from more regular turnover is taken into account.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of the original permission (16/02136/FUL, granted 19/01/17).
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 160602/2, 160602/3 and caravan detail

received by Hambleton District Council on 23 September 2016 as amended by plans and information on 13 December 2016.

3. The development must comply with the following requirements that: (i) the caravans are occupied for the holiday purposes only; (ii) the caravans 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 individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
4. Prior to the first use of the development the mitigation measures shown on the submitted plans and identified in the submitted Ecological Impact Assessment carried out by MAB Environment & Ecology Ltd (reference 2016-124) shall be implemented. These specifically include 3m wildlife margins being left along hedgerows. Thereafter the mitigation measures shall be retained in accordance with the approved recommendation.
5. 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.
6. Prior to the commencement of development details of surface and foul water drainage including full details of the proposed pond, swale and sustainable drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. The appropriate greenfield run-off rate is 1.4 litres per second per hectare. The development shall be carried out in accordance with the agreed details.
7. The development shall be carried out in accordance with the submitted landscaping scheme shown on drawing 160602/3 submitted on 13 December 2016. 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.
8. 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 building(s) or other works until: (i) details of additional passing places on Moor Road have been submitted to and approved in writing by the Local Planning Authority; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority. The development shall not be brought into use until highway works have been constructed in accordance with the approved details.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. 160602/2 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons 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 and for the avoidance of doubt.
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 Policies CP16, CP17, DP30 and DP32.
3. 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 Hambleton Local Development Framework Policies CP15 and DP25.
4. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its rural surroundings, proposes adequate mitigation to prevent light pollution and impact on ecological and wildlife features and would be in accordance with the Development Plan Policies CP16, CP17, DP30, DP31 and DP32.
6. To ensure that the site is adequately drained and does not result in flooding elsewhere.
7. 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.
8. In accordance with policies CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
9. In accordance with policies CP2, DP3 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

Parish: Pickhill with Roxby

Ward: Tanfield

5

Committee date: 20 July 2017

Officer dealing: Mrs H Laws

Target date: 21 July 2017

17/01172/MRC

Removal of condition 8 (requirement for affordable housing provision) attached to 15/02717/OUT - (Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping

At: The Cottages, Pickhill

For: Mr Anthony Smith-Ketteringham

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Outline planning permission was granted in March 2016 for the construction of 3 dwellings on this site including (as required by LDF Policy CP9) the provision of affordable housing. The current application requests the removal of condition 8 relating to this provision. Since the decision was made in March 2016, the ministerial statement (originally issued in November 2014) has removed the burden for developers to make contributions on housing developments of 5 units or less within specially designated rural areas and 10 units elsewhere. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The measures, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. A 40% affordable housing contribution would usually be required by LDF Policy CP9 for developments of 2 or more dwellings. This contribution can no longer be requested and over-rides the requirements of the Council's adopted policies. The following report is as previously presented to Members at the Planning Committee meeting on 3 March 2016 (with an updated History section 2.0; Consultations section 4.0; the Affordable Housing section in paragraph 5.14 – 5.15; and Conditions section 6.0) and seeks to remove the condition attached to the previous approval, which required an affordable housing contribution.
- 1.2 The site lies within the village of Pickhill at the north western end of the village and covers an area of 0.11 hectares. The site forms part of a domestic piece of land, used in association with the dwelling at 1 the Cottages. A building (large Nissen hut) that lies within the boundary is currently used for domestic storage. The site was previously used as a base for a haulage company until approximately 2000.
- 1.3 There is a row of conifer trees along the northern boundary of the application site abutting the agricultural land beyond. A mature leylandii hedge lies along the full length of the eastern boundary, which it is proposed to retain. Several trees lie on the boundary between the gardens of The Cottages and the application site. It is proposed to replace the conifer trees on the northern boundary with trees of a native species.
- 1.4 Across the road to the north lie 2no. two storey detached dwellings and a terrace of 3no. two storey dwellings. To the west lies the remainder of the field; to the east lies the building and parking area associated with Pickhill Engineering and the access road that follows the boundary of the application site and which serves the building within the southern part of the application site. This building currently accommodates

several small businesses, including vehicle repairs and furniture making. The application site is bounded to the east and south with post and wire fencing.

- 1.5 The application is for outline permission with some matters reserved for the construction of 3 dwellings. Access and layout have been included for approval at this stage. The layout proposes a terrace of three, two storey properties fronting the rear elevation of The Cottages, facing southwards. A building containing two single garages is proposed at the front of the dwellings at the western side of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02717/OUT – Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping. Permission granted 4/3/2016. Refused 2 June 2015, Appeal Dismissed 19 November 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
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 DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 3/7/2017)
4.2 Public comments - no comments received (expiry date for representations 4/7/2017).

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village; (iii) the impact on neighbour amenity; (iv) highway safety; (v) flood risk; and (vi) affordable housing.

The principle of new dwellings in this location

- 5.2 The site falls outside of Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also

necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Character and appearance

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character although adjacent to the open countryside, which lies beyond. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

The proposed dwellings would be on land that is currently used for domestic purposes that lies adjacent to residential uses on three sides. The application site protrudes beyond the end of adjacent gardens but does not extend beyond the boundary of the existing domestic use. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the character of the countryside.

- 5.8 The scale of the development would be small as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates a scheme of three dwellings, in a terrace, similar to the terrace of dwellings that fronts onto Street Lane. It is considered that this scale of development would be appropriate to the village. This part of Pickhill is characterised by linear, frontage development although there are several existing examples of backland development within the village including some in close proximity of the application site (to the south at Town Farm and to the east at Melltowns Green).
- 5.9 Previous planning applications were refused permission in 1990 and 1991 for the construction of dwellings on this site due to the impact of backland development on the character and appearance of the village and to the amenity of neighbouring residents. It has been established above that the site is already in domestic use and is part of the village in terms of character. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Pickhill already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is within the existing built form, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.
- 5.10 It is important to consider the cumulative impact of additional residential development in Pickhill. Following the adoption of the Interim Policy Guidance in April 2015 outline permission has been granted for 5 dwellings on the southern side of Street Lane (15/01118/OUT) and outline permission has been granted for 8 dwellings on the site of Chapel Farm to the south (15/00905/OUT). Approval of this outline application would result in a total of 16 new dwellings. The existing number of dwellings in Pickhill is approximately 136 and therefore the construction of an additional 16 dwellings would result in an 11% increase. This is not considered inappropriate or unsustainable for a village such as Pickhill with facilities such as a school, pub and church. In this instance all of the sites have been within the general confines of the village and would not therefore detract from its built form or extend into the adjacent rural landscape. The overall character and form of the village will be retained.

Neighbour amenity

- 5.11 There is concern from the existing adjacent residents that the position of the dwellings would result in overlooking, particularly due to the position of first floor windows. The layout shows the front elevation of the new dwellings to be a distance of approximately 28m from the rear elevations of The Cottages; 14m from the closest point with the bungalow at Ponder and 24m from the closest point of the

neighbouring dwelling at Pennington. It is suggested that, with the presence of the trees there is an adequate distance between the existing and proposed dwellings. It is considered that there would be no loss of amenity as a result of overlooking or overshadowing. The proposed dwellings would potentially be able to overlook the rear gardens of Ponder and Pennington but there is already potential for these gardens to be overlooked by existing neighbours. It is considered that the layout protects residential amenity. It is recommended that a condition be imposed to illustrate the differential in height between the properties to ensure the proposed dwellings would not be built at a significantly higher level so that there would be no overbearing impact or increased sense of enclosure for existing residents as a result of the proposed development.

Highway safety

- 5.12 The Highway Authority has no objections regarding the proposed development and the use of the existing access from Street Lane. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

Flood risk

- 5.13 There is some concern from local residents regarding potential flood risk at the site. There is no evidence that the site has flooded and it appears to refer to the agricultural land to the rear. The application site does not lie within an area of flood risk.

Affordable housing

- 5.14 The application is for the removal of condition 8 so it would no longer include the provision of affordable housing. LDF Policy CP9 requires development in locations such as this of two or more dwellings to provide a 40% proportion of affordable homes. The November 2014 Ministerial Statement supersedes this by excluding developments of ten or fewer dwellings from the requirement to include any affordable housing.
- 5.15 The removal of affordable housing from the scheme is regrettable but fully in line with national policy and therefore is accepted.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from 4 March 2016 (before 4 March 2019) and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from 4 March 2016 ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale (including the number) of buildings overall.

3. 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. The development shall be constructed of the approved materials in accordance with the approved method.
4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. 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.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. 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.
9. 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: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var.; e. 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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 43 metres measured along both channel lines of the major road Street Lane 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.
11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in

accordance with the submitted drawing (Reference W2345(PL)04 Site Plan); c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

12. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the garages hereby approved shall be kept available for their intended purposes at all times.
13. 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 in writing to their withdrawal.
14. 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: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered W2345(PL)04 and 05A received by Hambleton District Council on 1 December 2015 and 12 February 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
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.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. 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. 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.

7. 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.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
13. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. 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.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and

1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

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Parish: Romanby

Ward: Romanby

6

Committee date: 20 July 2017

Officer dealing: Miss L Chambers

Target date: 27 July 2017 (requested
not yet agreed)

17/00803/FUL

Demolition and construction of new service station store, pumps and new underground fuel tanks

At former garage, 10 Boroughbridge Road, Northallerton

For Stevensons of Oxbridge Ltd

This application is referred to Planning Committee due to the level of Public Interest

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a former vehicle repair garage with a single storey building set back from the main road frontage with car parking area to the front and a servicing area to the rear. There are two existing vehicular access points taken from Grange Close to serve parking to the front of the site and servicing to the rear.
- 1.2 Whilst the site is currently vacant, it retains a generally tidy appearance. Boroughbridge Road is a principal route into Northallerton town centre, passing the railway station approximately 230m north of the site. The immediate vicinity of the site is broadly residential in nature with dwellings of varying periods, the application site being an exception to this predominant character.
- 1.3 Permission is sought to demolish the former garage building and redevelop the site as a petrol filling station with associated shop. This would include the introduction of an access point from Boroughbridge Road, with one of the existing access points to Grange Close being utilised as an egress point to form a one-way system for customers using the site. The more westerly access/egress would be retained in its existing form for servicing and an additional five car parking spaces provided.
- 1.4 The proposed shop would have a smaller footprint than the existing building (350sqm as opposed to 525sqm) and would sit broadly in the same position in relation to the rear service area. However, there would be a larger forecourt area to the front for parking and eight fuelling points located under a canopy. The canopy would be 5.5m in height, positioned to the front of the proposed building, to the north east corner of the site.
- 1.5 The proposed building would be single storey with a mono-pitched composite clad roof, the elevational treatment would include brickwork to the lower section with render above, there would also be small areas of cedar cladding to the front and an aluminium framed, glazed shop front. At its broadest point the proposed building would be 25.2m in width and 16.3m in depth; the overall height of the building would be 5.9m.
- 1.6 The application form indicates that 6 full time and 10 part time jobs would be provided on site.
- 1.7 Improvements have been secured as follows: following a noise assessment, attenuation measures are now proposed to protect residential amenity, including screen fencing to the western boundary and to enclose fixed plant and machinery to the rear of the proposed building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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 CP13 – Market towns regeneration
Core Strategy Policy CP14 – Retail and town centre development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 – Development Limits
Development Policies DP16 – Specific measures to assist the economy and employment
Development Policies DP17 – Retention of employment sites
Development Policies DP19 – Specific measures to assist market town regeneration
Development Policies DP24 – Other retail issues
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – Adopts a neutral stance with some concerns around traffic issues. The Parish Council welcomes the opportunity for additional employment to the area and competition within the town and environment for fuel retail. Concern is expressed regarding the proposed opening hours of 6.00 am - 11.00 pm and 7.00 am - 10.00 pm area suggested instead.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health – No objection.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Public comments – 23 objections and 5 supporting comments have been received, these are summarised below.

Objections

- Air pollution;
- Noise pollution;
- Light pollution;
- Highway safety;
- Increased traffic and congestion;
- Fire safety risk and no means of escape from Grange Close;
- Existing shops serve the area without need for another;
- The proposed opening hours would be disruptive;

- Potential impact on the safety of children using a nearby play area;
- Land contamination;
- Loss of property value;
- Uncertainty about the number of deliveries to the proposed shop;
- Lack of consultation regarding the application;
- Potential anti-social behaviour due to late opening hours;
- Insufficient parking on the site may result in overflow parking in surrounding streets;
- The site would be better used for housing; and
- Loss of light due to boundary fencing and/or hedge.

Supporting Comments

- The proposal is small scale,
- The existing site is an eyesore; the proposal would bring it back into use;
- Reduced need for travel across town for fuel;
- Creation of jobs & safeguarding land for employment purposes; and
- Lack of competition between existing garages in the area.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and highway safety; (iii) residential amenity; and (iv) design.

Principle of development

- 5.2 The application site is previously developed land which was used as a tyre centre (B2 Use) but is currently vacant. The, re-use or redevelopment of the site is welcomed in principle. The site is in close proximity to Northallerton town centre and therefore a sustainable location within development limits.
- 5.3 While acknowledging the wider area is broadly residential, the site itself is commercial in nature and as such could be re-used for commercial purposes in line with the lawful use of the site (which as a former Tyre Centre is understood to be a B2 use), without the need for planning permission. Policy DP8 supports infill development or the redevelopment of existing sites within Development Limits and Policy DP17 specifically seeks to safeguard land in employment.
- 5.4 The principle of redeveloping the site for commercial use is therefore consistent with policy. Objectors have suggested they consider alternative uses, such as housing, to be more appropriate in this location; however such development would conflict with Policy DP17 in terms of the potential loss of an employment site. In any event, the Council can only consider the proposal put forward.
- 5.5 It is also identified by those in support of the proposal, as well as some who object to the specific location of the development, that a petrol filling station in Romanby would be beneficial in offering a service residents currently have to travel through the town centre to reach.
- 5.6 Policy DP24 identifies support for small scale retail uses (those of less than 500sqm) outside of the Primary Retail Area where it would serve neighbourhoods and residential areas, as would be the case in this instance.

Access and highway safety

- 5.7 The principle cause of objections to the proposal relates to access arrangements for the site and the potential impact on traffic and highway safety. Boroughbridge Road

is a busy, major route to and from Northallerton town centre, in addition to this there is a railway crossing approximately 65m to the north east of the site. When the barriers to the crossing are closed cars currently queue past the application site.

- 5.8 The application includes a transport statement and supplementary information provided at the request of the Highway Authority. These assess the projected vehicle movements into the proposed new access from Boroughbridge Road and out onto Grange Close. The Highway Authority has confirmed that this information demonstrates that the impact on the local road network would be negligible with the majority of trips to the site being undertaken by existing passing trips rather than increasing the number of trips on the network.
- 5.9 It is intended that access would only be taken from Boroughbridge Road with a one way system operating ensuring exit onto Grange Close. The Highway Authority does not object to this arrangement in principle but has emphasised the importance of measures being introduced to ensure this remains the case and it is clearly communicated to drivers. These requirements could be achieved via condition with a requirement for appropriate signage.
- 5.10 The applicant has shown that the site can accommodate manoeuvres of vehicles required to facilitate the collection of refuse and fuel deliveries to site.

Residential Amenity

- 5.11 While acknowledging that activity on the site will increase from the current situation of a vacant premises, the site has previously been in commercial use and therefore vehicle movements to and from the site could resume without the need for planning permission for an alternative business use. Whilst no quantitative assessment of vehicle movements has been undertaken to show the relative impacts of the lawful use, compared with the proposed use, it is considered that the two uses could have a similar impact in terms of vehicular activity. The nature of activity may change, particularly the time of day that activity occurs. However, there is nothing to suggest this would have an unacceptable impact on the amenity of neighbours.
- 5.12 A number of potential impacts on residential amenity have been identified by those objecting to the application, including noise, light pollution and air pollution. A noise assessment has been carried out to determine the impact of the proposal on the amenity of neighbouring residents. The report recommends the introduction 1.8m close boarded fencing along the south western boundary of the site and to surround the fixed plant and machinery to the rear of the proposed shop, which have been duly incorporated into the proposals. The Environmental Health Officer confirms this approach is suitable to sufficiently mitigate the impact on residential amenity from noise.
- 5.13 The immediate neighbour to the south of the site raises concerns about the potential impact to light as a result of fencing and hedging along the shared boundary. However, the hedging already exists on site and the proposal seeks to retain that. The proposed fence is not considered to be excessive in scale, given that it is in line with permitted development rights. In addition, the proposed building would be located further away from the neighbouring property than the existing and as such any impact in that respect would be lessened.
- 5.14 Concern has also been raised by a neighbouring occupier regarding the location of the proposed bin store and the potential for vermin to be encouraged. This is primarily an Environmental Health matter and no objections have been raised by the Environmental Health Officer. Provision has been made for the appropriate storage and collection of refuse, it would be a management issue for the operator of the site

to ensure collections are made at appropriate intervals and the site is maintained properly.

- 5.15 The application proposes lighting to the perimeter of the proposed building and the underside of the proposed canopy. Concerns have been raised about the potential for light pollution to detract from the amenity of neighbouring occupiers. However, the application includes an assessment of light spillage that demonstrates that light from the site would be directed within the confines of the site without overspill into neighbouring properties. The Environmental Health Officer has reviewed this and raises no objection to the lighting proposed. A suitably worded condition could be included to prevent additional lighting being introduced without consent.
- 5.16 Boroughbridge Road is a busy route into Northallerton town centre and therefore vehicles are a prevalent feature of the area. The Environmental Health Officer has not identified an existing air quality concern that would be affected by the proposal. While visits to the site may increase above those experienced as a result of the former use, this is not considered to be at such a level as to significantly impact on air quality.
- 5.17 Concerns have been raised by residents of Grange Close about the potential for a fire on the site to be a danger to their properties and that as the street is a cul-de-sac there would be no means of escape for residents. It would be incumbent on the operator of the site to comply with the legislative requirements as administered by North Yorkshire County Council Trading Standards, in order to hold a petroleum storage certificate, which includes the need to manage fire risk. This regulatory control does not fall within the scope of the planning application.

Design

- 5.18 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.19 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.21 The applicant's supporting statement describes the character of the surrounding area as residential and identifies the existing building as being of a poor design that detracts from the appearance of the wider area. The existing building appears to be an amalgamation of building styles and roof forms, in part of painted brickwork finish and partly rendered.

- 5.22 The supporting statement does not identify community consultation having taken place. However, it is apparent from the comments submitted by members of the public that the applicant made contact with neighbouring occupiers although this is not highlighted in the supporting information.
- 5.23 The statement does not include any evidence of other design options being considered. The statement identifies that the design has been chosen as the predominant materials would be in keeping with the surrounding area (i.e. brickwork and render) and that the modern design chosen would be an enhancement within the street scene compared with the existing appearance.
- 5.24 The proposal would bring a vacant site back into use, enhancing the appearance and vitality of the area and creating employment opportunities. The building would be relatively modest in scale being single storey and would therefore respect the scale of the site and surrounding properties. The existing building on site is of poor design quality and the proposed development would result in an improvement to the appearance of the site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 1402-1b, 1402-5b, 1402-6b, 1402-7a, PJ1646-E-EXT-001-P1 received by Hambleton District Council on 30/03/17, drawings(s) numbered ITY12454-SK-001, ITY12454-SK-003 received by Hambleton District Council on 26/05/17, and drawing(s) numbered 1402-6d received by Hambleton District Council on 20/06/17 unless otherwise approved in writing by the Local Planning Authority.
 3. The external surfaces of the development 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 development.
 4. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundwork, except for investigative works, or the depositing of material on the site until the following of highway works have been approved in writing by the Local Planning Authority: 1. Approval of signage details for entrance and exit. The signs are to be located within the development site boundaries and not within the highway extents. 2. Measures to prevent Boroughbridge Road being used as an egress point, including procedures should Grange Close egress point be unavailable. 3. Measures to enable fuel deliveries to utilise egress point from the forecourt onto Grange Close.
 5. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access on Boroughbridge Road shall have been approved in writing by the Local Planning Authority; (b) The details of the alterations to the existing access onto Grange Close have been approved in writing by the Local Planning Authority; (c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; (d) Provision of tactile paving in accordance with the

current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6. 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 45m measured along both channel lines of the major road Grange Close from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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 4: New access from Boroughbridge Road.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on PJ1646-E-EXT-001 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) Details of the routes to be used by HGV construction traffic; (b) Traffic Management Plan; (c) Management and control of HGV construction traffic; (d) Measures to prevent mud/dirt being deposited on the highway; (e) Parking of vehicles of site operatives and visitors; and (f) Parking /Storage areas.
11. The recommendations made in the noise assessment produced by Apex Acoustics, reference number 6111.1-Revision A, received by Hambleton District Council on 02/06/17, shall be implemented on site and retained for their intended purpose prior to first use of the development hereby approved.

The reasons 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 Policies CP1, CP2 and CP17.
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.

4. In accordance with policy CP2 and to ensure that the details are satisfactory of the safety and convenience of highway users.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In accordance with Policy DP3 and in the interests of road safety
7. In accordance with Policy CP2 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
8. In accordance with Policy CP2 and in the interests of the safety and convenience of highway users.
9. In accordance with Policy CP2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In accordance with policy number DP3 and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.
11. In the interests of the amenity of neighbouring occupiers.

Parish: Sessay
Ward: Sowerby & Topcliffe
7

Committee Date: 20 July 2017
Officer dealing: Mr T J Wood
Target Date: 27 July 2017

16/02364/REM

Reserved matters application for six dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to outline planning permission 15/00408/OUT for residential development At land north of The Paddocks, Main Street, Sessay For Daniel Gath Homes

Consideration of this application was deferred at the Committee's last meeting for further consideration of drainage issues. Yorkshire Water has now commented on the application as set out in paragraph 4.3

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The site lies towards the northern end of the village of Sessay, beyond Development Limits. The land is currently fallow following the grant of outline planning consent and being placed on the market for residential development. The land was last used for agricultural purposes as part of a large field that extends to the north and east of the application site, the land has been used for arable production and over-wintering sheep on a fodder crop. To the south there are modern detached two storey dwellings, to the west of the site there are a mix of single and two storey dwellings of various ages. A mature agricultural hedge stands on the roadside boundary of the site.
- 1.2 The proposal seeks approval for a scheme with a single point of access from the village street to create a private drive to the 6 dwellings. The field hedge is to be retained but reduced in height to 1m to provide visibility and 1.5m elsewhere as required by condition 4 of the outline permission and with a few metres of removal to widen the point of access from the village street. Timber fencing is proposed to the boundaries of the site and between the properties.
- 1.3 The scheme proposes:

Plot number	Bedrooms	Garage
1	3	Single (attached)
2	3	Single (attached)
3	2	None
4	2	None
5	3 + first floor study	Single (integral)
6	3 + first floor study	Single (integral)

- 1.4 Amendments made during the application have removed a detached double garage from the site frontage. Additional details of sewage, surface water, land drainage and overland flood flow management have been provided. A new drain to intercept water from the field to the east has been installed, the details show the drain connects with an existing system that terminates with an outfall to Old Beck about 0.9km to the north.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00408/OUT - Outline planning permission was granted for residential development on 22 June 2015 as the scheme fell within the scope of the Interim Policy Guidance for the provision of development in villages.
- 2.2 The conditions required the range of matters of design, layout, drainage, highways, boundary treatments and construction site management.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
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
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Sessay Parish Council – Objects. The response itemises 11 matters of concern. Three relate to matters of drainage and others relate to provision of a footway; hedging; provision of street trees; detailing of chimneys; fenestration; detailing of the garage doors; use of natural clay tiles; and re-siting of the detached garage at plot 6.
- 4.2 Highway Authority – No objection; requires details of the specification of the access as per condition 9 of the outline approval. Other requirements of the highways conditions are met in the submission.
- 4.3 Yorkshire Water – The additional details have been reviewed. There is no objection to the proposed separate systems of drainage on-site and off-site, no objection to the amount of foul water to be discharged to the public foul sewer, and no objection to the proposed point of discharge of foul water to the public sewer. Note is made of the routing of the surface water via a drain to Old Beck. Also notes that a public water main crosses the site but a stand-off distance is observed in this case.
- 4.4 Ministry of Defence Safeguarding – No objection.
- 4.5 Environmental Health Officer – No objection. No significant impact on the local amenity is anticipated. Notes that further testing of soils to be used in gardens is required.
- 4.6 Drainage Engineer – No objection. The information in respect of surface water, provides for management of the surface water from the new development,

information on the future maintenance of the on and off-site systems and measures in place to manage surface water overland flows.

- 4.7 Public comments – Correspondence has been received from six neighbours raising the following concerns:
- The surcharging of sewers during heavy rainfall and the increased loading that would be caused by the new dwellings requires additional infrastructure;
 - The capacity of the attenuation system is inadequate;
 - The height of the water table is a factor leading to flooding; and
 - The position of a detached garage at Plot 6 is unacceptable.

5.0 OBSERVATIONS

- 5.1 The principle of residential development on this site was established when the outline planning permission was granted. The current proposal provides details required to meet the conditions of that outline planning permission.
- 5.2 The issues to be considered relate to those matters that were reserved for later approval, these are set out in condition 2 of the outline permission namely: (i) the siting, finished floor level, design and external appearance of each building, including a schedule of external materials to be used; and (ii) the landscaping of the site. In view of the comments received, it is also wise to review the matter of flood risk.

Siting, design and external appearance

- 5.3 No limitation of the number of dwellings that may be constructed was specified in the decision and no requirement was made for the provision of affordable housing. It is noted that the outline scheme illustrated five dwellings to be constructed. The details now before the Council provide for six units of a mix of sizes as noted above.
- 5.4 The proposed siting of the dwellings is in a row that would continue the form of the village street. The dwellings would be positioned sufficiently far back from the street to enable the provision of a private drive and retain the boundary hedge, which is a significant feature of the site and the residential development to the south. The layout is consistent with the details presented in supporting documents at the outline stage and is considered appropriate to the form of the village.
- 5.5 The siting of a detached double garage has been deleted from the scheme, this responds to concerns raised both by neighbours and officers as it did not respect the character of developments close to the street in this part of the village. Since the application was considered at the last meeting a car parking plan has been supplied that shows the provision of 12 surface car parking spaces within the site (an increase of six from the previous site plan). As noted at paragraph 1.3 above there are a further four garage spaces.
- 5.6 The finished floor levels of dwellings have been set at 29.15m AOD. A survey drawing shows the levels on the centre line of the highway to range between 28.66 at the north of the site to 28.71 at the south of the site. The levels of land in the field are about 0.2m lower. The finished floor levels are therefore about 0.5m above the existing levels, higher than might normally be expected but appropriate to achieve drainage under gravity and mitigate any residual flood risk.
- 5.7 The details of the dwellings are of traditional design and incorporate chimney stacks and modestly proportioned openings. Upon completion of the development the north gable elevation of plot 1 would be the most prominent feature on arrival in the village. The proposed provision of a single garage on the north elevation would achieve a

stepping up in height to the full gable and the proposed chimney on the ridge would give interest and avoid a large flat gable that might otherwise appear as an overbearing feature when viewed from the north. Multi-red brick blends and pantiles are proposed for the dwellings.

Landscaping

- 5.8 The landscaping scheme relies heavily on the retention of the boundary hedge and supplementary tree planting (10 trees on the frontage and between the proposed dwellings).

Flood risk

- 5.9 The outline planning conditions 6 and 17 required the submission of the details of surface water drainage and for the foul and surface water systems to be kept separate. The details submitted have been extensively scrutinised and additional detail supplied to provide evidence of the efficiency of the scheme and the on-going management arrangements for both on site and off site drainage.
- 5.10 Recent storm events (in the last two years) have resulted in flooding in the village, in properties and on the application site. It is a matter of significant concern to residents and the Council to ensure that development proposals do not exacerbate flooding; however, new development cannot be required to remedy pre-existing problems. Nonetheless in designing a scheme to provide surface water and foul drainage for the new dwellings the matter of land drainage and overland flows (particularly at the time of intensive rainfall) has required attention by the developer's drainage engineers. This resulted in a proposal, which has already been implemented, to install a new catch drain on land to the east of the application site to divert water that would have otherwise flow over the application site on to the village street and neighbouring land. It is understood that since the drain has been installed the site, the village street and neighbouring land have not been flooded.
- 5.11 The design details have shown the surface water arising from the development site itself, as distinct from the overland flows or land drainage issues, can be attenuated and drained to Old Beck to the north of the village. There have been historic issues relating to foul drainage within the village; however this is known to Yorkshire Water, which has not raised objection in respect of the proposal to drain the site to the foul sewer. There is no evidence of a lack of capacity within the foul sewerage network or lack of capacity at treatment work and the response of Yorkshire Water confirms that there is no objection. Advice from the Council's advisor is that the public foul drainage system is a combination of gravity sewer and pump stations with sewage from Sessay ultimately being treated at Dalton sewage works. During dry weather the foul drainage system functions satisfactorily managing the dry weather foul only flows. It is understood that the system is reactive to rain, so that during wet weather conditions surface water finds its way in to the foul sewerage system. This can increase the quantity of effluent in the public foul system beyond the capacity of the pumping station, which can cause surcharging of effluent in the pump station and effluent backing up into the gravity elements of the sewerage system. Any upgrading work that may be planned by Yorkshire Water is a matter for the company as a statutory drainage undertaker and not a matter pertinent to the determination of this application.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development shall be commenced on or before 22 June 2020.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings received by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.

Job number 1652

Site plan 105 P07 received 29 June 2017

Plot 1 and 2 plan 110 P01 received 2 November 2016

Plot 1 and 2 elevation 130 P02 received 2 November 2016

Plot 3 and 4 plan 111 P01 received 2 November 2016

Plot 3 and 4 elevation 131 P02 received 2 November 2016

Plot 5 plan 112 P00 received 2 November 2016

Plot 5 elevation 132 P02 received 2 November 2016

Plot 6 plan 113 P01 received 12 December 2016

Plot 6 elevation 133 P02 received 12 December 2016

Drainage details 687-09-05-D received 26 January 2017 and maintenance statement received 24 January 2017 and off-site works received 12 December 2016

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 Policies.

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Parish: Shipton
Ward: Easingwold
8

Committee date: 20 July 2017
Officer dealing: Mrs Helen Conti
Target date: 24 July 2017

17/00073/MRC

Removal of condition 15 and variation of condition 14 (to read cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030 and no cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority) to previously approved application 14/02558/MRC - Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL

**At S Wernick & Sons (Holdings) Ltd., Station Lane, Shipton by Beningbrough
For S Wernick and Sons (Holdings)**

This application was considered at the 30 March 2017 meeting of the Planning Committee. The Committee resolved to grant permission subject to the inclusion of an additional condition to control audible warning safety system of cranes. This report details at 1.8 – 1.11 the additional condition and information regarding the use of cranes on the site.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located to the west of Shipton by Beningbrough, north of Station Lane. The East Coast Main Line is located to the west of the site and residential properties of Dawnay Garth are located to the east. There are commercial properties to the west and south.
- 1.2 The eastern boundary of the site, adjacent to a public footpath, is marked by a chain link fence with a landscaping area containing a mix of trees, hedge and shrubs behind it and a 2.4m high close boarded fence further into the site. Next to the footpath runs a small beck and beyond is a band of hedge/mature trees marking the boundary of the public open space behind the residential properties of Dawnay Garth.
- 1.3 The applicant wishes to remove condition 15, which restricts the height of cabins to 6m, and to vary condition 14 of planning approval 14/02558/MRC to allow storage on all seven areas of the site shown on drawing PKA/2/030A to a height of no more than 6m. The proposed variation of condition 14 would therefore replicate the 6m height limit of stacking currently exercised through condition 15.
- 1.4 The reason for both conditions was "In the interests of neighbour and visual amenity in accordance with Local Development Framework Policy CP1 and DP1".
- 1.5 The applicant wishes to double stack cabins to allow the company's continued expansion, maintaining and creating new jobs. The applicant originally applied to have all storage areas within the site available for double stacking during the consideration of the first application, 14/00141/FUL, however condition 16 was included as part of the decision following discussion at Planning Committee.
- 1.6 Variation of condition 14 would allow double stacking of cabins in the eastern and southern most hatched areas as set out in drawing PKA/2/030A, in addition to five areas on the same drawing that the condition did not restrict. It would therefore allow double-stacked cabins a minimum of 49m closer to the eastern boundary and Dawnay Garth beyond. The minimum distance between double stacking and a

dwelling would be 62m. It is proposed to delete condition 15, which restricts the stacking height to 6m, and include this provision within the amended wording of condition 14. The applicant has submitted photographs showing two storey cabins in the eastern hatched area. At the time of the photograph the stacking of these cabins was in breach of condition 15 but they have since been removed.

- 1.7 The originally submitted plan PKA/2/030 did not show the stacking areas and vehicle access around the site as they have been laid out. The applicant submitted a corrected plan (PKA/2/030A) on 20 March 2017. The stacking areas are no closer to the residential area to the east than shown on drawing PK/2/030.
- 1.8 The scheme as described was presented to Planning Committee on 30 March 2017. The Committee resolved that permission should be granted subject to an additional condition to control audible warning safety system on cranes. Discussions have taken place with the applicant's agent regarding the use of cranes and the safety implications of audible warning safety system.
- 1.9 The applicants' agent proposes a condition that:

“Any cranes which are operating from the site in association with the ongoing operational requirements of the business shall, when in situ, with only the crane arm operating, have no audible warning system except in hazard warning situations such as the overloading of the crane structure”.
- 1.10 The reason for this proposed alternative is that applicant does not have its own cranes on site; the cranes used to move cabins around on site are hired in and therefore the applicant is not in a position to disable any audible warning systems they may have. However, and based on their experience of using cranes on the site to date, the applicant contends that there is no need to disable any warning systems.
- 1.11 The applicant has confirmed between 1 January and 5 July 2017 there were 11 days of craning at the depot (five days during January – May and six days during June). When the crane is on the site it more often than not manoeuvres around the site in a forward gear as the company does not encourage vehicles to reverse once on site. Once in place the crane moves its arm around to move the cabins without needing to move the base of the crane. The existing planning condition regarding operating hours 07:30 – 18:00 Monday to Friday applies to the use of the crane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00141/FUL - Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hard standings; Granted 11 November 2014.
- 2.2 14/02558/MRC - Application to vary conditions 18 (working hours), 19 (restricted vehicle movement times), 20 (no outside working) and 21 (restriction on working in cabins near the eastern boundary) of approved scheme 14/00141/FUL; Granted 11 November 2016.
- 2.3 Enforcement investigation 16/00061/CAT3 – Double stacked units on area nearest eastern boundary; Investigation closed 27 May 2016.
- 2.4 Enforcement investigation 17/00109/CAT3 – Double stacked units in eastern area of the site; pending consideration.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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
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 DP17 - Retention of employment sites
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council – Objects to the application on the grounds summarised as follows:

Safety and litter – debris and litter have blown been off the site in high winds which could cause safety issues for public footpath along the north boundary, the residential area or the East Coast Main Line. Concerns that if units were triple-stacked, the existing fence would not stop debris blowing out of the site. Should permission be granted, a condition should be imposed to require any litter blown off site to be collected.

Noise – an increase in height of stacked units will result in increased use of cranes instead of fork lift trucks with low noise alarms/sirens, causing greater noise disturbance.

Visual impact – double stacked units are visible from Tollerton Road, the A19 and the railway line. While the site is industrial it is close to residential properties and surrounded by green belt. Double stacked units are an eyesore, to allow triple height would have seriously detrimental visual impact to whole community.

4.2 Highway Authority – No objection.

4.3 Environmental Health Officer - No objection: the application is principally concerned with visual amenity and that the stacking would not add perceptibly to existing noise levels.

4.4 Public comments – 13 objections have been received, summarised as follows:

- Impact of double stacked cabins on residential amenity of Dawnay Garth – the existing landscaping is not sufficient;
- Double stacking on the eastern side will be intrusive;
- The cabins are an eyesore because they are in poor condition;
- Concerns about the appearance of 9m high stacked cabins;
- Litter and debris blown across neighbouring areas during strong winds;
- The applicant has applied several times since approval to change approved conditions;
- Increase in noise from increased movements within the site;
- The existing business has an effect on the character of neighbourhood; and
- Increase in traffic and heavy haulage vehicles through the village.

5.0 OBSERVATIONS

- 5.1 The primary planning consideration is the impact of the proposed variation (condition 14) and removal (condition 15) on the interests of (i) visual amenity; and (ii) residential amenity. It is also necessary to consider whether the variation and removal would have any material impact on the additional issues of (iii) debris and litter; and (iv) traffic generation raised by the Parish Council and residents.
- 5.2 As indicated in paragraph 1.5, the proposed variation of condition 14 would replicate the 6m stacking height restriction currently exercised by condition 15 at the same time as increasing the areas within the site where stacking could occur, so the following assessment focuses on the proposed variation of condition 14.
- 5.3 The key determining issue is whether the proposed variation of condition 14 would be more, less or equally effective in securing the public protection existing conditions 14 and 15 were designed to achieve having regard to the stated reasons for them. As such the proposed variation (and associated removal) should only be refused if it is concluded that the new condition 14 would be less effective and would give rise to unacceptable harm.

Visual amenity

- 5.4 The applicant wishes to double stack cabins on all seven hatched areas as shown on drawing PKA/2/030A. Concerns have been raised regarding the visual impact of the cabins on the neighbouring residential properties on Dawnay Garth. The rear/side elevation of the closest properties on Dawnay Garth would be approximately 62m away from the closet part of the proposed two-storey storage area. The applicant installed a 2.4m high close boarded fence, which shields views of the single-storey cabins, when they occupied the site. There is a mix of vegetation along the site boundary and along an area of public open space immediately adjacent to Dawnay Garth which also helps shield views into the site.
- 5.5 Two-storey cabins would be visible from the rear of three properties on Dawnay Garth, especially from upper floor rooms. The minimum distance between double-stacked units and a dwelling (7 Dawnay Garth) would be approximately 62m. Due to the distance between those properties and the cabins, and the opportunity to secure additional landscaping on the eastern boundary, it is considered the impact of the cabins on the amenity of the occupiers would be limited and would not warrant refusal of the application. A landscaping condition can require tree planting to soften the visual impact of the site.
- 5.6 The Parish Council has pointed out that double stacked units are visible from Tollerton Road, the A19 and the railway line. However, the proposal in this application would extend double stacking eastwards and would not materially alter views from those directions, which are as approved under 14/00141/FUL and 14/02558/MRC.
- 5.7 Some public comments suggest that cabins could be stacked up to 9m in height. However, that is not proposed; the requested variation to condition 14 would maintain the present 6m stacking height restriction, currently exercised through condition 15.

Residential amenity

- 5.8 Some residents have suggested that double stacking units nearer to residential properties will lead to greater noise disturbance through the use of cranes on the site. However, Environmental Health officers have reviewed the application and have not raised any objection to the proposed variation, which would allow double-stacking approximately 53m closer to Dawnay Garth than currently permitted (62m compared

with 115m at present). It should be borne in mind that the site is still subject to the restrictions on opening hours imposed by conditions 9 and 10 of 14/02558/MRC with movement of cabins limited to 07:30 – 18:00 Monday to Friday. It is considered that the closer position of double stacking areas would not have a material impact on noise generated within the site and that the current restrictions on working hours are sufficient to protect local residents.

- 5.9 Following discussion of the application at the 30 March meeting the applicant has confirmed that when cranes are on site, they normally have an audible warning on reversing. During craning operations there will be no audible warning system except to warn of overloading of the crane.
- 5.10 The use of cranes on the site is limited due to the volume of work and the cost of hiring them. The applicant confirmed the use of a crane for 11 days over the six month period of January to June 2017 and there is no evidence of complaints arising from the use of cranes with audible warning systems during this period. Considering the difficulty of specifying something that suppliers may not be able to achieve and the absence of any evidence that use of cranes with audible warning systems to date has caused an amenity problem for nearby residents, the additional condition does not appear to be needed in order to protect the amenity of local residents. However, an alternative form of condition to provide protection once cranes are in situ is recommended.

Debris and litter

- 5.11 Concerns have been raised by the Parish Council and residents regarding the potential for an increase in litter on the site due to parts of cabins requiring repair blowing around the site. However, the only evidence of this is one photograph submitted by a resident showing a small amount of litter at the base of the fence on the northern boundary. It is not possible to say whether this had anything to do with double stacking of cabins and therefore it is questionable whether the proposed additional double stacking would make any difference. No evidence of debris being blown beyond the site boundary has been presented.

Traffic generation

- 5.12 It is reasonable to assume that an increase in double stacking of cabins would also increase the numbers of lorries entering and leaving the site. Concerns were raised about vehicles, particularly HGVs, using Station Lane when application 14/00141/FUL was under consideration and the Highway Authority advised at the time that "Station Lane is subject to a 7.5 ton weight restriction which commences to the east of the site. Whilst there is an exemption for access purposes, this would not apply to any HGV associated with the site. Any HGV driver travelling to or from the site via the restricted section of Station Lane would be committing an offence and may be prosecuted".
- 5.13 In view of this, it is not considered that any increase in lorries would affect the school and residential properties on Station Lane. The Highway Authority has not raised any concerns in respect of the current application.

Conclusion

- 5.14 The resolution to grant planning permission subject to a condition that requires control of audible warning safety system on cranes cannot reasonably preclude reversing warning; however, an additional condition that controls the audible warning systems during crane operations, such as prior to and during lifting, provides a further safeguard to the amenity of neighbours. The absence of identifiable harm leads to a conclusion that the planning balance weighs in favour of granting planning

permission for the development that supports economic activity with an alternative form of condition, recommended as number 16 below.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 drawings numbered PKA/1/002, PKA/1/003 received 21 January 2014 (file ref 14/00141/FUL) , Site Plan PKA/1/004G received 12 August 2014 (file ref 14/00141/FUL), PKA/1/005C received 2 September 2014 (file ref 14/0141/FUL) and transport assessment received 1 May 2014 (file ref 14/00141/FUL), Supplementary Noise Reports of September 2014 received 17 December 2014 (file ref 14/02558/MRC) and Background Noise Survey report September 2016 received 29 September 2016 (file ref 14/02558/MRC) and Stacking Site Plan PKA/2//030A received 20 March 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. The approved parking, unloading and turning areas (on drawing PKA/1/004G) shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 4. No structures shall be sited within 2 metres of the western boundary of the site which is adjacent land belonging to Network Rail.
 5. Double stacking of cabins in the southernmost and easternmost areas indicated on drawing PKA/2/030A 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 in writing by the Local Planning Authority. The southernmost and easternmost areas indicated on drawing PKA/2/030A shall not be used for double stacking of cabins 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.
 6. No external lighting shall be installed on site except in accordance with the details received on 11 February 2015 unless otherwise approved by the Local Planning Authority.
 7. The boundary treatments shown on plan PKA/2/009C received 18th August 2015 (file ref 14/00141/DIS13) shall be implemented in full and thereafter the boundary treatments shall be retained in accordance with the approved details.
 8. The approved fork lift truck audible warning safety system for the fork lift trucks shall be operated and be maintained in accordance with the approved scheme submitted on 17th August 2015 (file ref 14/00141/DCN) and the manufacturers' recommendations.
 9. No openings shall be created to the eastern elevations of the retained warehouse structures on site.

10. No work shall be undertaken or cabins moved within the application site on Bank Holidays or outside of the hours 07:30 - 18:00 Monday to Friday other than the following activities: (i) Office / administration work; (ii) Works within the workshop building providing doors and windows are kept shut where no noise is discernible at the eastern boundary of the site; (iii) Internal works to the cabins located in the storage area including painting, carpentry, floor laying, electrics and plumbing where no noise is discernible at the eastern boundary of the site; (iv) Painting the cabins located in the storage area; and (v) Movement of forklift trucks and vehicles within the area to the west of the purple demarcation line on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 which in any event will be no earlier than 06.00 hours and no later than 20.00 hours.
11. No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 and the eastern boundary of the site during a Bank Holiday and not outside the hours of 07:00 to 19:00 Monday to Friday, except for staff accessing the designated parking areas.
12. During works within a workshop the workshop doors and windows to that workshop shall be kept closed.
13. No work shall be under taken outside the workshops other than, painting of the cabins and carpentry works as defined in Table 1 of Supplementary Noise Report DYN260214A/2_SUP dated August 2014, floor laying, electrics, and plumbing with 110 volt hand tools inside the cabins and the movement of fork lift trucks and vehicles within the area of the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014.
14. The recommendations and mitigation measures identified in the protected species survey received by Hambleton District Council on 11 February 2015 shall be implemented in full.
15. Notwithstanding the submitted drawing PKA/2/030 received on 12th January 2017 cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030A and no cabins shall be stacked to a height of more than 6m unless otherwise approved in writing by the Local Planning Authority.
16. Any cranes which are operating from the site in association with the ongoing operational requirements of the business shall, when in situ, with only the crane arm operating, have no audible warning system except in hazard warning situations such as the overloading of the crane structure.

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 provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
3. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
4. In the interests of the safe operation of the adjacent railway.

5. 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 DP30.
6. In the interests of local visual and neighbour amenity and the safe operation of the adjacent railway.
7. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
8. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
9. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
10. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
11. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
12. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
13. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
14. To safeguard against harm to any protected species present within the buildings proposed for demolition.
15. In the interests of neighbour and visual amenity in accordance with Local Development Framework Policy CP1 and DP1.
16. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.

16/02269/REM

**Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 641 homes and associated infrastructure
at Land off Topcliffe Road, Sowerby
for Taylor Wimpey North Yorkshire**

1.0 SITE, CONTEXT AND PROPOSAL

Site and context

- 1.1 The site is agricultural land on the west of Sowerby bounding on to Saxty Way and Cocked Hat Park in the east, and Green Lane (track) to the north, including the land that is currently Westmoor Farm house and buildings. To the south is housing on Ash Court, Poplar Crescent, and Oak Drive built as phase one of the Sowerby Gateway development and housing under-construction on Swan Way, Butterfly Close, Hedgehog Close, Rosemary Close and Poppy Drive in phase two. The western boundary is not defined by any feature on the ground as there is agricultural land allocated for commercial use before reaching the East Coast main railway line.
- 1.2 Sowerby Gateway is a strategic site for mixed use development identified in Local Development Framework Allocations Development Plan Document Policy TM2 comprising five distinct parts:
- Site A: Westbourne Farm (23.0ha) - Allocated for housing development of around 920 dwellings (of which a target of 40% should be affordable); for development in three phases;
- Site B: Cocked Hat Farm (13.0ha) - Allocated for employment (Use Classes B1 business, B2 general industrial and B8 storage and distribution);
- Site C: Neighbourhood Centre (4.9ha) - Allocated for neighbourhood centre, comprising retail, leisure and associated uses such as a health centre;
- Site D: East of Topcliffe Road (3.3ha) - Allocated for primary school use;
- Site E: Gravel Hole Lane (7.8ha) - Allocated for community uses, including recreation/community park and allotments.
- 1.3 The Allocation Policy makes a number of requirements including:
- i. Type and tenure of housing to meet the latest evidence on local needs;
 - ii. Formation of an improved junction of the B1448 and A168, permitting north-south movements;
 - iii. Improved foot and cycle access to the Town Centre/Topcliffe Road and to retail facilities on Station Road and the Thirsk Railway Station;
 - iv. Improved public transport links along Topcliffe Road to serve the development;
 - v. Provision of a new primary school;
 - vi. Provision of a community park and allotments;
 - vii. Provision of structural landscaping and high quality design and layout;

- viii. Drainage to be achieved through a Sustainable Urban Drainage Scheme (SUDS) including on-site storage; and
- ix. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

The majority of these are secured through a planning obligation signed by the landowners prior to the grant of outline planning permission.

- 1.4 This application relates to the third phase of Site A and seeks approval for all the remaining residential land that was identified in the outline planning approval, forming phase three of the Sowerby Gateway residential development. The application indicates that the area to the east would be built by Taylor Wimpey North Yorkshire and the area to the west by Linden Homes. Development within Site C so far includes extra care and sheltered housing with small shop units, a food store under construction and a budget hotel. Site E will be developed by the Council as the Sowerby Sports Village.
- 1.5 Other than the farm house and buildings at Westmoor Farm there are no structures on the land. Hedgerows run in a generally east – west direction between the approved phase two residential scheme and the application site.
- 1.6 The outline planning approval established the principle of the development of the site and the access arrangements. This application seeks approval of the remaining reserved matters of appearance, landscaping, layout and scale.
- 1.7 The outline planning permission gave approval for 925 dwellings. The phase 1 scheme approved 107; the second phase in two parts approved a further 44 and 98 homes, a total of 249. The additional 641 would bring the total number of homes to 890 on the west side of Topcliffe Road.
- 1.8 As noted in the policy section and the history the land is allocated and approved for housing as part of a mixed use scheme within the Local Development Framework. The land is within the Development Limits of Thirsk and Sowerby.

Details of the proposal

Size, type and tenure

- 1.9 The size by the number of bedrooms and type, by bungalow and houses is shown in the table below. The tenure proposal is market housing, no affordable housing is proposed.

Bedrooms/floors	Total units, by house type	%
2 bed bungalow	8+6+15 =29	4.5
3 bed bungalow	3	0.5
	Total bungalows = 32	5
2 bed house (2 floors)	37+54+32 =123	19
3 bed house (2 floors)	52+4+27+28+51+17+16+30+32 = 257	40
3 bed house (3 floors)	42	7
4 bed house (2 floors)	29+15+16+26+25+3+10+7+8+18+10+20 =187	29
	Total houses = 609	95

The proposed mix of dwellings, by size, is:

Bedroom	Total units	% of 641
2	152	23.7
3	302	47.1
4	187	29.2
2+3	354	70.8

- 1.10 Bungalows would comprise 5% of the total number and would be located on the eastern side of the site bounding on to the farm lane and the dwellings on Saxty Way and Cocked Hat Park. The scheme shows the proportion of 2 and 3 bedroom dwellings to be 70.8%
- 1.11 The details show that whilst some dwellings would achieve or exceed the required sizes in the Nationally Described Space Standards and those in the Council's Size, Type and Tenure Supplementary Planning Document (SPD) others are undersized and amendments have been requested to achieve the standards.
- 1.12 The off-site highway works are set out in planning conditions 34 and 35 of the earlier permission and includes the improvements of the A168 junction to all movements in all directions and works on the northern end of Topcliffe Road and in the Market Place at the junction with Kirkgate and crossings on Topcliffe Road adjacent to the hotel and foodstore. The supporting statement gives a commitment to provide these works and gives details of the costs and the estimated time for construction.
- 1.13 The layout includes cycle and footway links in response of the requirements of planning conditions and the S106 planning obligation of the outline permission. Links are shown to the public right of way on Green Lane, to the north, and public right of way to the east and the network of cycle and footways within the earlier phases.
- 1.14 Access to the phase is shown to be taken via a series of junctions off the extended spine road, Oak Drive, that in turn takes access via a roundabout on Topcliffe Road. A distributor road is shown to reach the northern edge of the site abutting Green Lane. At the north west end of Oak Drive a roundabout is proposed to allow buses and HGVs to turn. Bus stops are proposed in two positions on the spine road.
- 1.15 Sustainable Drainage Systems (SuDS) are proposed and all surface water would be drained via soakaways. The spine road drainage is shown to be via a swale on both sides of the road. Dwellings would be provided with soakaways within curtilage.
- 1.16 A central area of public open space with play equipment is proposed. A series of small areas of open space are shown through the development; these would also accommodate soakaways to dispose of surface water from highway areas. In addition to the equipped play area and small areas of open space the linking green spaces would provide informal amenity spaces as well as functioning as footways and cycle ways.
- 1.17 Each dwelling is shown to have dedicated private amenity space and parking within or adjacent to the curtilage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02373/OUT - A hybrid application that approved both the outline application and the first phase of residential and commercial development; Granted 21 August 2012.
- 2.2 15/00145/MRC - An application to vary the trigger for the provision of off-site highway works comprising an 'all-ways' junction with Topcliffe Road and the A168 dual-carriageway; Granted 29 October 2015. This replaces the earlier permission under reference 10/02373/OUT.

- 2.3 15/02243/REM and 15/02389/REM - Applications for approval of reserved matters for 98 dwellings and 44 dwellings known as Phases 2a and 2b;
- 2.4 The outline permission granted under 10/02373/OUT and modified under 15/00145/MRC is the subject of a Section 106 Agreement that requires amongst other things the provision of 40% affordable housing, funding for the Sowerby Sports Village and transport initiatives to promote cycling and walking as means of travel.
- 2.5 17/01259/FUL Change of use of existing paddock and the construction of five detached dwellinghouses. Application site to the east of plots 166 to 177 within the current application, the application on the neighbouring site is “under consideration”.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 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
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP29 - Archaeology
 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
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010
 Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010
 Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

4.0 CONSULTATION

- 4.1 Sowerby Parish Council – Wishes to see this application approved and makes the following comments:
- Welcomes the provision of bungalows but has concerns that this would result in a reduced amount of affordable housing; however it is understood that this is a result of survey evidence within the Strategic Housing Market Assessment; and
 - Wishes to see the multi directional junction built, as per the original outline application in 2010 and hopes that the infrastructure improvements will be delivered at the earliest opportunity, as promised.
- 4.2 NYCC Public Rights of Way – seeks an informative on the decision to advise on the need to avoid obstruction to public rights of way.
- 4.3 Highway Authority - A planning layout has now been received which in principle is acceptable. However, there is an overriding issue regarding drainage of the site. It is proposed that the side roads will be drained to soakaways. To date no information has been received regarding the size, number, type and location of these. Bearing in mind they must not be located within the roads and access for maintenance purposes is required, this could have an impact on the housing layout. As such, what has been shown on the planning layout may not be achievable.
- Similarly the main access road is to be drained to swales. Although these are indicated on the drawing no evidence has been received to demonstrate that the size and location of these is suitable.
- 4.4 Highways England – No comments received.
- 4.5 Environment Agency – No comments received.
- 4.6 Yorkshire Water – Drainage should follow the strategy of the outline application which was that all surface water is discharged to soakaways.
- 4.7 Network Rail – No comments received.
- 4.8 Education Authority – Objects as agreement has not yet been reached for the transfer of serviced land to enable the provision of a new primary school, as required by the S106 agreement accompanying the outline permission. The Authority indicates that the new school should be made available in the year 2018/19.
- 4.9 NYCC Heritage Services – Condition 21 of the outline permission relating to archaeological assessment and mitigation applies to this reserved matters submission; no specific comment on this proposal.
- 4.10 North Yorkshire Police Architectural Liaison Officer – Does not support the application. It is acknowledged that the general arrangement of dwellings, parking and boundary treatments with front doors on the visible frontage of dwellings, though additional boundary treatments between public areas and the front of dwellings are required for some areas of the site and ‘defensive planting’ is encouraged. Gating to all rear service alleys should be provided.

Two principal areas of concern are raised:

- (a) The high level of permeability of the site layout can increase the risk of crime and anti-social behaviour. Pedestrian routes should be designed to be well used and overlooked.
- (b) The east-west route along the northern boundary has very little surveillance.

- 4.11 Environmental Health Officer – No objection; no significant impact on local amenity is anticipated.
- 4.12 Ministry of Defence (in relation to Allanbrooke Barracks 1km west of the site) - No comments received.
- 4.13 North Yorkshire Local Access Forum - No comments received.
- 4.14 Ramblers Association – No objection; notes that no detail has been provided of changes to the northern boundary Green Lane and footpath to Thirsk Station.
- 4.15 Internal Drainage Board - No comment.
- 4.16 Public comments – Two comments received. One supports the application but asks that more trees are planted. The other is neutral and asks: (i) that there will be no vehicle traffic nor street lighting along the lane on the eastern boundary of the site (behind Cocked Hat Park); (ii) when the junction improvements from Topcliffe Road to the A168 will be completed; and (iii) whether the public right of way from Green Lane West to Thirsk Station should be improved.

5.0 OBSERVATIONS

- 5.1 The site has outline planning permission for residential development subject to conditions and the terms of a S106 planning obligation (as varied) and follows the requirements of the LDF Allocations policy for a strategic site. Accordingly the principle of residential development of the site is not in question.
- 5.2 The main issues to consider are those required by the reserved matters condition of the outline application 10/02373/OUT (as amended by 15/00145/MRC that altered the trigger dates for the off-site highway works) namely: (i) scale; (ii) the layout of the site; (iii) landscaping; and (iv) appearance. It will then be necessary to consider the balance of all these considerations.

Scale

Housing numbers and size, type and tenure

- 5.3 The proposal seeks approval for residential development of the remaining land allocated and approved for residential development. The number of dwellings proposed are 641 (split 321/320 between Taylor Wimpey and Linden Homes) of which the distribution of house types and sizes are as shown in the table at paragraph 1.9 The quantum of development proposed is within the scope of the outline application.
- 5.4 The findings of the 2016 Strategic Housing Market Assessment (SHMA) are that there is a general shortage of smaller housing within Hambleton. As set out in the table, 70.8% of the dwellings are to be 2 and 3 bedrooms; this meets the requirement of LDF Policies CP8 and DP13 and the expectations as detailed in the Size, Type and Tenure SPD.
- 5.5 There was no requirement to include bungalows in schemes at the time of the outline planning approval so it was not a condition of that permission to provide any. However, the applicant recognises the evidence of the SHMA that more bungalows should be built to meet the needs of an aging population and for people with limited mobility and how this is reflected in the Size, Type and Tenure SPD's expectation of 10% bungalows on open market schemes of 25 units or more. Whilst not meeting this, the proposal shows a voluntary commitment to 5% bungalows.

- 5.6 The size of dwellings are required to meet the Nationally Described Space standards. Space standards are also contained within the SPD. As noted earlier some of the dwellings fall short of the required standards and amendments have been requested to achieve or exceed the space standards. No affordable housing is proposed due to issues of viability discussed later in this report.

Infrastructure

- 5.7 Infrastructure, both on and off-site, is required to create the capacity to accommodate the growth (population, drainage, traffic etc.,) generated by the development. The infrastructure for the site has been required to be provided by means of planning conditions and a planning obligation associated with the outline permission. Some substantial pieces of infrastructure have already been completed (two roundabouts on Topcliffe Road and the spine road to the start of the Phase 3 development area) whilst other areas are yet to commence.
- 5.8 The most significant item of infrastructure is the improvement of the A168/B1448 junction to allow traffic to enter and leave in all directions, currently estimated to cost £6.3m. This is required to be in place prior to any more than 249 dwellings, 90 bed extra-care apartments, 1,486 sq. m net retail sales area food store and 2,665 sq. m of employment floor space being brought into use. As noted in paragraph 1.7, the preceding phases of housing total 249 dwellings, so the housing proposed in this application is dependent on the junction being improved. (Full planning permission was granted for the budget hotel and is not subject to the control of condition 34.) The applicant confirms that the junction improvement would be delivered “as part of the next phase of development at the very earliest opportunity”. The applicant expands upon this as follows:

Taylor Wimpey & Linden Homes are fully aware of the infrastructure required to be delivered to bring the remainder of the residential land at Sowerby Gateway forward. To this end, we are in advanced discussions with Highways England and we have a detailed design for the junction works. ARUP have been commissioned by Taylor Wimpey & Linden to project manage the junction works. They are also moving the Scheme through the Official Journal of the European Union (OJEU) tender process to enable a contractor to be appointed and works to commence as swiftly as possible.

Options are already in place for the purchase of the remaining residential land and the offsite junction. To this end, Taylor Wimpey can purchase the land, along with Linden, and deliver the Scheme quickly upon the receipt of a satisfactory planning permission and Taylor Wimpey UK & Linden Group Board Approval.

Bond Dickinson are acting for Taylor Wimpey & Linden on both the S278 discussions with Highways England & NYCC Highways and on the matter of the DOV to the S106, should Officers & Members be minded to grant planning permission on the terms set out above. Based on current estimates, we envisage a construction period for the junction of 41 weeks. On this basis, we anticipate that the junction could be delivered and operational as early as the end of Summer 2018 based on the following steps:

ACTIVITY	TIMESCALE
<i>Planning Committee</i>	<i>Jul 2017</i>
<i>Completion of S106 & issue decision</i>	<i>Aug 2017</i>
<i>Junction OJEU tender process & contractor appointment</i>	<i>Jul – Nov 2017</i>
<i>Land acquisition (following expiry of judicial review period)</i>	<i>Sep/Oct 2017</i>

<i>Housing - construction start</i>	<i>Oct/Nov 2017</i>
<i>Junction – construction start</i>	<i>Nov/Dec 2017</i>
<i>Completion of junction works</i>	<i>Aug/Sep 2018</i>

On the above-mentioned basis, the junction will be commenced well in advance of the trigger in Condition 34 (250 dwellings) being met. Linden consider that the final occupation on their current site will not be until May/June 2018. On this basis here may be a slight overlap between dwelling occupations on the site and completion of the junction. We will write separately to your Officers on this point.

- 5.9 Education land and funding towards school places is required for each dwelling completed this is required in the s106. The comments of the Education Authority objecting to the application are addressed by the applicants who are working with the landowner to bring forward the certainty about the provision of serviced school land. The agreement and relevant outline planning conditions specify when the following are to be provided: (i) community gardens; (ii) sports land, with funding; (iii) public rights of ways upgrade to link between the site and the Thirsk railway station at Carlton Miniott; (iv) public open space within the residential area; (v) informal green space linking through the residential areas; (vi) public art; (vii) pedestrian road crossings on Topcliffe Road; (viii) bus stops and funding for bus routing within the scheme; (ix) off-site highway works in Thirsk town centre and the upgrade of the A168/B1448 junction. The agreement details the trigger dates for each of these pieces of infrastructure. The applicant has given written commitment to provide the required infrastructure directly (or funding for the infrastructure) and provide costings for doing so in support of their viability assessment.

Affordable housing

- 5.10 The agreement secures a planning obligation for the provision of affordable housing. The requirement set out is for 40% of the dwellings on the whole of the development area to be affordable in perpetuity, in line with the policy expectation. Although the 40% proportion was considered viable at the time of the outline planning permission, and phases 1, 2a and 2b the applicant has advised that the scheme can no longer afford all of the infrastructure costs and provide 40% affordable housing.

Viability

- 5.11 The viability assessment undertaken by the applicant's agent indicates that the scheme is not viable to provide both the infrastructure required and affordable housing. The applicant has explained the background as follows:

Taylor Wimpey has entered into a fixed price Option Agreement with the landowners (The Sowerby Family) and Mulberry Homes. Mulberry Homes no longer have an appetite to develop housing at the site and are stepping aside. The option agreements cover the remaining residential land, and the land required to deliver the off-site junction improvements to the A168 as required by Condition 34 of the Outline Planning Permission.

As you are aware, an Economic Viability Assessment (EVA) has been submitted by Cushman & Wakefield on behalf of Taylor Wimpey. This includes a breakdown of the abnormal costs associated with the delivery of the Scheme that have, where appropriate, been subject to tender or provided by an independent cost consultant (LHL). As is made clear in the EVA, the land value requirements of the Sowerby Family and Mulberry Homes Yorkshire, coupled with the abnormal costs (incl. on-site & off-site infrastructure works) of the site, mean it cannot be delivered in a viable

manner without the scale of the planning obligations and affordable housing (set out in the S106) being reduced.

The EVA demonstrates that the residual land value (what is left from the GDV [gross development value] of the site after accounting for costs (build cost, profit, finance, sales & marketing etc.) is circa £5m below the land value required to exercise the fixed price option agreements. The viability assessment does not include any provision for affordable housing or any S106 contributions other than those set out above.

The current S106 Agreement requires the following, in addition to those items set out above (including affordable housing):

TRIGGER	TOPIC	AMOUNT
250 th dwelling	Community Facilities Contribution	£1,072,500
401 st dwelling	Bus Service Contribution	£100,000
451 st dwelling	Bus Service Contribution	£100,000
500 th dwelling	Cycleway/Footpath Link Contribution	£250,000
501 st dwelling	Bus Service Contribution	£100,000
551 st dwelling	Bus Service Contribution	£100,000
601 st dwelling	Bus Service Contribution	£100,000
Each Reserved Matters (50% upon commencement and 50% within 6 months of commencement)	Education (£3,124.75 per dwelling)	Up to £2,112,331
If 90% of peak hour trip numbers are reached	Travel Plan Mitigation Sum	£113,100
TOTAL		£4,047,931

5.12 The applicant's offer is as follows:

Taylor Wimpey have considered the proposals in the round (including taking a view on abnormal foundation costs). Notwithstanding the current deficit in the EVA, Taylor Wimpey are willing to deliver the 'in kind' elements of the S106 (e.g. school land link road & servicing, public art, play areas etc.) and a financial contribution package equivalent to the current terms of the S106 (as set out in the table above). This would amount to a S106 pot of £4,047,931. There would, however, be no affordable housing within the Scheme under this scenario.

We appreciate that the Council's & County Council's priorities change over time. In the event that the Councils consider that the delivery of affordable housing was preferred over a financial contribution (either the whole or part thereof) then Taylor Wimpey & Linden would deliver affordable housing in lieu of the financial contributions. This flexibility can be facilitated through the drafting of a Deed of Variation to the existing S106.

5.13 The viability appraisal has been reviewed on behalf of the Council by the officers of the District Valuer. Whilst the review is on-going, it is clear from the work undertaken that the scheme will fall substantially below the 40% required. The applicant has advised that they will work with the Homes and Community Agency (HCA) to seek funding to improve affordable housing provision. Upon completion of the work of the

District Valuer a submission for funding can be made to the HCA and, subject to that proving successful, a mechanism for including an agreed number of affordable units can be included in a Deed of Variation to the S106 agreement.

- 5.14 A bid towards the cost of the off-site highway infrastructure has been prepared by the Council for submission when a funding round becomes available. As set out in the statement from Taylor Wimpey any additional funding that becomes available will be directed to the provision of affordable housing.
- 5.15 Use of a viability review mechanism, or overage clause, to secure any reduction in construction costs and/or uplift in sale values has also been proposed and to apply these to the provision of on-site affordable housing. A Deed of Variation to the S106 agreement will be required to be agreed to secure any change in details of the original planning obligation relating to (i) a reduced level of affordable housing from the 40% requirement; (ii) any funding achieved to secure additional provision of affordable housing; and (iii) an overage clause to apply any surplus on the development to the provision of affordable housing.
- 5.16 The Deed of Variation will require agreement to be reached between Hambleton District Council, the North Yorkshire County Council (as education and highway authority), and the land owners. A document is in preparation and to meet the proposed timetable quoted at 5.8 above will need to be concluded promptly.
- 5.17 As demonstrated in the evidence set out above, the applicant has been open in setting out the difficulty they have in meeting the infrastructure requirements of the outline permission and the affordable housing commitment made by the previous applicants. However, they have agreed to use best endeavours to seek additional funding for affordable housing from the Homes and Communities Agency and have committed to a review mechanism so that any savings in their anticipated abnormal development costs can be used to provide affordable housing.
- 5.18 In addition, the applicant has offered the opportunity to review the package of infrastructure benefits within the S106 agreement, which could allow some affordable housing to be secured at the expense of another objective. This is considered later in the report.
- 5.19 It is understood that the main obstacle the applicant faces in meeting the current obligation to provide 40% affordable housing is the nature of the fixed price option agreement the landowners and the previous developer required them to enter. The non-achievement of 256 affordable homes (40% of 641) is highly regrettable, contrary to the aims of the allocation policy and the agreement secured from the landowners and applicants at the outline stage, and should not normally be accepted. It is therefore necessary to consider whether there are unique circumstances that might justify granting approval of reserved matters and the proposed attendant Deed of Variation under which no further affordable housing can be guaranteed. This will be considered in terms of the planning balance at the end of the report.

Layout of the site

Movement masterplan

- 5.20 Following the design approach identified in the movement masterplan at the outline stage there is a hierarchy of routes. Pedestrian facilities are proposed comprising off-road footway and cycling links between the phases of the development, to the sports and education and neighbourhood centre within the wider development site and to the neighbouring residential areas and the town beyond. This provides for links to the public right of way network to link the site to Thirsk Station.

- 5.21 Emergency access routes are shown to link between the phases of the development and take account of the phased approach to the development of the wider site. Private drives would be used to access small clusters of residential properties, linking to estate roads and through to the spine road that in turn links to Topcliffe Road, that will provide access via the B1448 to the upgraded all ways junction with the A168.
- 5.22 The layout provides access to the residential development from the spine road that links to a roundabout on Topcliffe Road. The spine road would be used for routing of bus services. Bus stops are required and would be provided within the carriageway. A roundabout is proposed to be formed at the western end of the spine road to achieve a turning space for buses and other larger vehicles.

Landscaping and appearance

- 5.23 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.24 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.25 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.26 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.27 Community consultation took place during July 2016 culminating, following a leaflet drop of 300 neighbouring properties and press release, in a public consultation event on 20 July 2016 at the Thirsk and Sowerby Town Hall. The Design Statement records that the event gave opportunity to discuss the proposal with the development team of planning, highways and drainage professionals and was attended by about 50 people. "Comments received were largely positive with local residents understanding the nature of a Reserved Matters planning application and accordingly providing the development team with some very constructive comments."
- 5.28 Most issues raised relate to the impact on neighbours close to the eastern edge of the site. The Design Statement records how the scheme has been amended to provide bungalows and to attempt to retain trees close to the eastern boundary, that the green lane will not be used by vehicles, that the route on the eastern boundary not be proposed to be lit, these are in response to concerns raised at the consultation event. The consultation event demonstrated options for the landscaping of the open spaces. The "eco park/natural" approach was favoured by residents and will be designed in to the scheme. Concerns were also raised during the consultation event

regarding the provision of affordable housing and timing of the delivery of the A168 junction, both issues are addressed separately in this report.

The planning balance

- 5.29 As noted earlier, the applicant faces an obstacle to providing affordable housing as normally required by policy and the current S106 agreement because of the fixed price option agreement the landowners and the previous developer required them to enter. In this instance there are sound planning reasons for making an exception. These are the strategic significance of the Sowerby Gateway development in terms of housing and employment land provision in pursuit of LDF objectives, avoiding the development of the site from stalling and the opportunity to secure major infrastructure provision, most significantly the improved A168/B1448 junction, within a reasonable time scale and to avoid an incomplete development. These factors are unique to this project and therefore the recommendation below is not intended to set a precedent for other sites.
- 5.30 NPPF paragraph 19 advises that “Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”, and “to encourage and not act as an impediment to sustainable growth”. At paragraph 205 the NPPF states: “Where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.” The advice of the NPPF to do whatever Planning Authorities can to prevent sites stalling is considered to support the recommendation made on this application.
- 5.31 However, it may be possible to review the priority to be given to other elements within the current S106 agreement, for example, the cumulative £500,000 for bus service improvements, although this would only deliver a small uplift in the numbers of affordable units.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the reserved matters are **APPROVED** subject to (a) the satisfactory prior completion of a Deed of Variation to the S106 agreement dated 17 August 2012 (as amended) to secure a reduced provision of affordable units accompanied by a viability review mechanism; and (b) the following conditions:
1. The development shall be begun on or before the expiry of two years from the date of this decision.
 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 *** (layout and house types details to be completed).

Parish: Sowerby
Ward: Sowerby and Topcliffe
10

Committee date: 20 July 2017
Officer dealing: Mrs C Strudwick
Target date: 27 July 2017 (requested)

17/00982/OUT

**Outline approval for a detached two storey dwelling
At Howebridge, 5 Blakey Lane, Sowerby
For Mr and Mrs Robinson**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is within the domestic curtilage of Howebridge, to the south of the existing dwelling. The land comprises a mix of open lawn area with trees and bounded to Blakey Lane by a mature hedge. Parkland railings and timber gates between stone gates posts frame the tarmac driveway that leads from Blakey Lane to the dwelling.
- 1.2 Howebridge is a substantial stone modern two storey house within an extensive landscaped garden. There are stables to the east and a paddock running along the southern boundary.
- 1.3 Cod Beck lies to the east although the site is not within Flood Zone 2 or 3. The finished floor level of the new dwelling is indicated to be 32m above Ordnance Datum (AOD), the existing dwelling finished floor levels are 33.11m AOD. The topographical survey of the area shows the manhole cover just outside the access point on to Blakey Road to be 30.66m AOD. The site for the dwelling is higher than the access as the land slopes upwards from Cod Beck to the site area.
- 1.4 The application seeks approval of the principle of residential development for a single dwelling and for approval of the means of access. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.5 The indicative layout shows the dwelling footprint to fall within the Development Limits of Sowerby, with the domestic curtilage extending eastward and beyond Development Limits. The entire site is within the Thirsk and Sowerby Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 81/1066/FUL - Construction of a block of three stables at Part OS 0039, Sowerby; Granted 24 September 1981.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Development Policy DP28 – Conservation
Core Policy CP16 - Protecting and enhancing natural and man-made assets
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Development Policy DP3 - Site accessibility
Development Policy DP8 - Development Limits

Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP4 - Access for all
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Has offered no comment on the merit of the proposal but requests that the application is determined by Planning Committee.
- 4.2 Highway Authority – Comments awaited.
- 4.3 Ministry of Defence – No safeguarding objection.
- 4.4 Public comments – None received as a result of direct notification. As the site lies within the Thirsk and Sowerby Conservation Area the application has been given additional publicity in the local press. This period for comment arising from this will not expire until 31 July. At the time of writing this report no comments have been received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the means of access from Blakey Lane; (iii) the loss of amenity space associated with the existing house; and (iv) the impact on the Thirsk and Sowerby Conservation Area.

Principle

- 5.2 The part of the site which is indicated to accommodate the footprint of the dwelling is within the Development Limits of Sowerby. The village of Sowerby is grouped with Thirsk in the Settlement Hierarchy 2014 and is deemed a Service Centre. Policy DP8 of the Hambleton Local Development Framework states that development will be granted permission within the settlement Development Limits, provided it is consistent with other LDF policies.
- 5.3 The principle of development is therefore acceptable in this location.

Access

- 5.4 The application indicates that the proposed dwelling would share the existing vehicular access from Blakey Lane with Howebridge. The traffic volumes and speeds on this part of Blakey Lane are relatively low due to the width restriction on Blakey Bridge. A response from the Highway Authority is awaited but in the absence of any other evidence there is no reason to conclude that the additional traffic that would be generated by a single dwelling would create conditions that would be unsafe or exceed the capacity of the local highway network.

Loss of amenity space

- 5.5 Howebridge has an extensive curtilage, including grazing land to the south. The domestic curtilage extends some 46m to the east of the Development Limits and is, at its widest point, 42m north to south. The area of domestic curtilage remaining for Howebridge and proposed for the dwelling exceeds the minimum requirements of the LDF policies.

Impact on the Conservation Area

- 5.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Thirsk and Sowerby Conservation Area.
- 5.7 The site is well screened by existing development from Front Street. There is a public right of way to the east, across Cod Beck, given the distance from the right of way and the level of vegetation between any public views and the site it would not be possible to demonstrate significant harm would occur to the appearance of the Conservation Area. Public views from Blakey Lane would be restricted by the boundary hedges to the Lane as such the proposed dwelling would not be prominent in views from Blakey Lane or the public access land to the north of Blakey Lane.
- 5.8 Whilst the site appears to be form an intrusion to otherwise undeveloped land within the Conservation Area the consideration of the impact has shown that the proposed dwelling would sit in line with the existing dwelling and relate to the build development to the west on Blakey Close. Overall it is considered that it would lead to less than substantial harm to the Conservation Area.
- 5.9 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.10 There would be a loss of trees to allow the construction of the dwelling. A tree report and map should be submitted at the reserved matters stage showing which trees would be felled and which would be retained. The loss of any trees could cause harm to the character and appearance of the Conservation Area however it is envisaged that a scheme could be devised that would allow for the retention of more important trees whilst accommodating a new dwelling.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. (Other such highways related conditions as may be required.)

The reasons 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 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.
4. To protect the safety of highway users.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

Parish: Stillington

Ward: Huby

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Committee date: 20 July 2017

Officer dealing: Laura Chambers

Target date: 27 July 2017 (requested)

17/01102/OUT

Outline application for the construction of up to 5 dwellings

At Home Farm, Mill Lane, Stillington

For Messrs Graham & Ian Sparrow

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is an arable field on the north side of Mill Lane, to the east of the Development Limits of Stillington.
- 1.2 There are residential properties fronting the north side of Mill Lane, these are principally pairs of semi-detached two-storey dwellings and are within development limits, the final property is a detached bungalow within a large plot, which is beyond Development Limits. To the east of the application site are the farmhouse, farm yard and other associated buildings in business use at Home Farm. The south side of Mill Lane opposite the application site are the rear gardens of dwellings within a cul-de-sac to the south (87 and 89 Parkfield). The trees within the rear gardens of 87 and 89 Parkfield are the subject of a Tree Preservation Order (Stillington 1972/79).
- 1.3 There is a grass verge between the edge of the site and the adopted highway but there is no public footpath crossing the frontage of the site. The southern boundary is denoted by a native hedge, parallel to which is a surface water drainage ditch. There are low level hedges to the east and western boundaries of the site, there is no boundary feature on the northern boundary.
- 1.4 Outline planning permission is sought for development consisting of up to five dwellings; although all matters have been reserved an indicative site layout has been provided to show properties fronting Mill Lane with three vehicular access points shared between the properties.
- 1.5 The matter for approval at this stage is the principle of development only. All detailed matters, i.e. access, appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.6 Improvements have not been secured because the proposal is considered unacceptable on a point of principle.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no application or enforcement history.
- 2.2 The site was submitted in response to the Local Plan call for sites process; however it was assessed as not being a preferred site due to its impact on the character and form of the village. As such it is not intended to be allocated for residential development in the Plan.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 – Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, Type and Tenure of New Homes
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – raises concerns about footpath access to the site and the 30mph gateway being positioned between the edge of the village and the application site.
- 4.3 Yorkshire Water – No comments received.
- 4.4 Environmental Health Officer – No objection subject to conditions.
- 4.5 Foss Internal Drainage Board – No objection subject to conditions.
- 4.6 Environment Agency – No comments received.
- 4.7 Public comments – Two comments in support have been received, these relate to the improved safety for pedestrians if a footpath link between the main part of the village and Home Farm is formed as part of the development.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and highway safety; and (iii) flood risk.

Principle

- 5.2 The site falls outside of Development Limits of Stillington and Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development beyond these Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to

consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Stillington is defined as a Service Village and therefore is considered a sustainable location for development, provided the other requirements of the IPG can be met. The proposal would fall within the category of being small scale, which is generally seen as five units or fewer.
- 5.5 Criteria three of the IPG requires that development must not have a detrimental impact on the natural, built and historic environment. The proposal seeks to extend the built form of the village along an eastward trajectory, while historically Stillington has grown from Main Street out to the back lanes to the north and south and as such extending the village in an alternative manner would not respect the existing built form and character of the village. Although later developments on West View, Mill Lane Cottages and Parkland have broken the traditional form, the IPG seeks to achieve small scale, organic growth reflecting the special character of the historic rural village where consideration has been given to the historic evolution and seeks to resist ribbon development. The proposal would appear as a ribbon of development extending the village in a manner that does not reflect the traditional form defined by the development around the North and South Back Lanes.
- 5.6 The supporting statement submitted with the application refers to the site having been assessed as part of the call for sites process in preparing the Council's Local Plan. During this process the site was found to be out of keeping with the built form and character of the village and is not therefore a preferred option. The applicant suggests further contact from the Council later identified the site as suitable for the development of self-build units under the IPG. For the avoidance of doubt, the Council's Housing Team has contacted a number of landowners where sites were not brought forward under the call for sites to suggest they may be able seek support under the IPG, however this included the advice that any such proposals would be subject to a full assessment as part of a planning application and does not therefore constitute the Council designating the site as suitable, as implied by the applicant.

Access and highway safety

- 5.7 The site is currently accessed via the farm yard of Home Farm; the indicative proposals suggest three vehicular access points would be formed off Mill Lane to be shared between up to five dwellings. The site is not currently linked via an adopted public footpath into the village. The application includes the intention to provide a footpath across the frontage of the site linking into the adopted network; this would also provide a pedestrian link from the business units currently operating from Home Farm into the village. Comments submitted in support of the application highlight the benefit of introducing the footpath link.
- 5.8 The Highway Authority has indicated its support for a footpath link to be extended to the site should permission be granted. If the proposal were considered acceptable suitably worded conditions could be included to secure this.

- 5.9 Concern has been raised by the Highway Authority regarding the position of the 30 mph sign, which is currently between the edge of the village and the application site. Discussions with the County Council would be required for its relocation should the proposal be approved. The specific details of this are beyond the scope of an outline application with no details of access but in the event of an approval of outline planning permission the applicant would be advised to progress this point with the Highway Authority prior to submission of a reserved matters application.

Flood Risk

- 5.10 The majority of the site is within Flood Zone 1; however a small section of the site along its eastern boundary would be within Flood Zone 2. The submitted flood risk assessment advocates that the proposed dwellings themselves would not be within the Flood Zone 2, albeit their private gardens would be. The proposed development of the site has the potential to increase flood risk within the site itself as well as the adjacent Flood Zone.
- 5.11 The application proposes the use of a soakaway and disposal to an existing watercourse to manage surface water drainage; however specific details of this are not included at this stage. The Foss Internal Drainage Board has advised it has no objection to the proposal subject to conditions to require those details to be submitted. If outline permission were granted this could be tied to the submission of a reserved matters application to ensure the detailed design of the proposals is suitable.

Design

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.15 The application describes the character of the application site as being to the east of the main built form of the village with properties fronting the highway described as the "traditional pattern of development". While the majority of properties in the village do front the highway, this in itself is not the defining characteristic of the built form. As noted above the village of Stillington has principally developed from Main Street, it has a relatively compact form, and new development has taken place to the north and south of Main Street along back lanes. The proposed development would instead see the village stretched eastwards and this would not represent logical development of the built form and would not be in keeping with its character. It is acknowledged that developments have taken place on land allocated in the LDF to the south of South Back Lane, to enable housing growth appropriate to the scale of the village and local housing need.
- 5.16 As the application is in outline form with all matters reserved the issue of detailed design of the proposed dwellings themselves is not for consideration at this stage.

The assessment above highlights the proposed location and layout of the development does not respect the built form and character of the village, as required under the IPG, and as such is not considered high quality design

- 5.17 Site features meriting retention include boundary hedging, with the exception of sections of hedge along the southern boundary in order to form access points. The introduction of such access points would disrupt the existing vernacular, creating openings across what is currently a well screened site.
- 5.18 The applicants statement does not identify any other development options that have been considered, however the application relates to the principle of the site for residential purposes rather than the specifics of detailed design there is limited scope for consideration of options in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
 - 1. The residential development proposed is outside of Development Limits and does not reflect the built form and character of the village, as such the proposal is in conflict with Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP9, DP10, DP28, DP30 and DP33 and the Council's Interim Policy Guidance.

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Parish: Stokesley

Ward: Stokesley

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16/01138/S106

Committee Date: 20 July 2017

Officer dealing: Mr Peter Jones

Target Date: 27 May 2016

Date of extension of time (if agreed):

Variation of Section 106 Agreement associated with application 14/02578/OUT – affordable housing requirements at White House Farm, Stokesley for Cecil M Yuill and Gentoo Homes

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is for the variation of obligations agreed under a S106 agreement with regard to the provision of affordable housing on a site to the south of Westlands in Stokesley.
- 1.2 The original application (14/02578/OUT) sought approval of outline permission for agricultural land on the western outskirts of Stokesley, to the south of Westlands, to be developed for 25 houses. With the exception of access, all matters were reserved for a later stage of approval (i.e. appearance, layout, scale and landscaping).
- 1.3 The site is located to the south of Westlands on the western edge of Stokesley. The site is set within open farmland, bounded to the north by Westlands. The site is currently occupied by a range of modern and traditional farm buildings. The buildings are largely abandoned and in a partial state of dereliction.
- 1.4 The approval included the provision of 37.5% affordable housing (9 dwellings) to be delivered through a S106 agreement which was duly entered into. The applicant is now seeking to amend the percentage provision of affordable housing following site investigations which suggest more significant abnormal costs than those originally envisaged.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site is allocated for employment uses (Class B1) rather than housing, within the Council's Local Development Framework. The allocation sets out requirements for the development of the site.
- 2.2 The primary requirement is in terms of the economic use of the site, but it also sets out other more general development requirements, which are:
- (i) Access to the site being taken directly from Westlands;
 - (ii) Provision of landscaping at the western and eastern boundaries;
 - (iii) Contributions from the developer to local infrastructure (now superseded by the adoption of CIL); and
 - (iv) No development other than essential infrastructure and water compatible uses should take place within Flood Zone 3b, as defined within the Environment Agency Flood Maps.
- 2.3 02/01524/OUT - Outline application for the construction of a care home with day centre facilities and 36 apartments for the elderly; Refused 21 November 2002, appeal dismissed 27 October 2003.
- 2.4 11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sq. m including means of access; Refused 11

May 2012, appeal part allowed and part dismissed 29 May 2013 (this was an application for a wider area than the subject site).

- 2.5 14/02578/OUT - Outline application for the construction of up to 25 dwellings; Approved 25 April 2016.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Development Policies DP2 - Securing developer contributions
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Affordable Housing - Supplementary Planning Guidance - June 2008
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
National Planning Policy Framework - published 27 March 2012

4.0 REPRESENTATIONS and CONSULTATIONS

- 4.1 Public comments - Two objections have been received to the application. These relate to the principle of the development, which has been decided and is not for reconsideration, and the proposed reduction in the percentage of affordable housing on the site.
- 4.2 Parish Council - No comments received.

5.0 OBSERVATIONS

- 5.1 The principle of housing development on this site has been established through the grant of outline planning permission. The issues for consideration in this application are whether the applicant has reasonably demonstrated that the development as approved is not viable, based on the agreed provision of affordable housing, whether the proposed level of affordable housing as now submitted is acceptable (subject to an assessment of the viability appraisal), whether the applicant's proposed form of affordable housing is acceptable and whether the housing mix used in the assessment is acceptable.
- 5.2 In order to consider these issues, it is necessary to (i) refer to what was discussed and agreed at the outline stage; (ii) consider relevant policy; and (iii) consider the applicants' offer.

Outline approval

- 5.3 The site lies within the Stokesley Sub Area where there is a development plan policy target for 50% affordable housing on residential development sites (unless a viability appraisal evidences that this is not deliverable). The applicant in the original application submitted a viability assessment which suggested that the development would only be able to deliver 30% affordable housing. An independent assessment of the viability of the site was undertaken by the District Valuer which suggested that the site was capable of delivering 48% affordable housing.
- 5.4 Lengthy discussion ensued between the Authority and the applicant in terms of the points of disagreement in the viability assessment. These related primarily to the assumed land value and the manner in which that was established. The applicant used the same methodology as was used for the site to the north of the application

site when the 213-dwelling proposal on Whitehouse Farm was at appeal. In the final analysis, this established 32% affordable housing provision. At the outline stage it was not possible to reach an agreed position with regard to the value of the land as a starting point for the viability assessment, although it was accepted that the methodology used in the assessment of the land value was the same as had been agreed by the Appeal Inspector for the wider Whitehouse Farm development.

- 5.5 However, the applicant submitted a revised offer, which was agreed by Planning Committee, of 37.5% affordable housing with a tenure split of 70% social rent/30% intermediate rent. Outline planning permission was granted on that basis.

Housing policy

- 5.6 To meet local housing needs the affordable housing mix should comprise two and three bedroom houses with a tenure split of 70% social rent and 30% intermediate tenure (unless otherwise evidenced by needs data and also supported at the time in writing by a Registered Provider to whom the properties will be transferred). The affordable homes would also be required to be provided in accordance with the minimum size and transfer price contained in the Council's Affordable Housing SPD.
- 5.7 The Council is also keen to ensure that all new housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth. There is evidence to support the following market mix on larger market housing sites: 10% two bedroom bungalows, 10% one bedroom & 60% two and three bedroom homes.
- 5.8 As well as being a high demand area for family housing, Stokesley has a relatively high proportion of older people (34% of households are aged 65 plus). Like Hambleton's other Service Centres it is a popular location for homeowners seeking to downsize and purchase more manageable homes (including 2 bedroom bungalows) on the open market. Provision of some small open market bungalows on the site (10% of the overall open market provision) would improve the housing offer for existing home owners wishing to downsize.

The applicants' position

- 5.9 The applicants, in seeking to dispose of the site, have carried out more detailed assessments of the abnormal costs associated with the development of the site. In particular the costs associated with the removal of asbestos and problems with ground conditions and associated foundations.
- 5.10 The Council has retained the services of the District Valuer (DV) who carried out the assessment on the original application and the wider White House Farm development. The DV has raised two main areas for concern where he disagrees with the applicants' position. Firstly, he again returns to the question of the land value. However, given the previous position set out in the Inspectors report and accepted in the granting of outline planning permission for this site, it is not considered appropriate to revisit this issue in the consideration of this scheme.
- 5.11 The second issue raised by the DV was a lack of agreement over the costs associated with the abnormal issues raised following more detailed assessment of the site conditions. In order to move this matter forward, the applicant has agreed to the addition of an overage clause to be added to the S106 agreement. It is considered that the disagreement over the value of the abnormal costs can be dealt with in this way.

- 5.12 In developing the scheme and in an attempt to make the scheme viable the applicant has reassessed the housing mix for the development. The scheme previously approved set out a mix against which the viability of the scheme was assessed, bearing in mind this site was allocated before the development of the housing SPD. The mix was 2 x 2 bed roomed dwellings, 13 x 3 bed roomed dwellings and 10 x 4 bed roomed dwellings. 60% of units were 2 and 3 bed roomed dwellings.
- 5.13 The applicant has sought to demonstrate that the scheme is not viable on this basis and their current viability appraisal is based on the following mix: 8 x 2 bed roomed including 2 bungalows; 3 x 3 bed roomed dwellings and 14 x 4 bed roomed dwellings. 44% of units would be 2 and 3 bed roomed dwellings.
- 5.14 The proposed mix clearly does not comply with the current SPD on housing mix which would seek 60% two and three bed units and only 10% to 15% four bed units. The applicant has made it clear within their submission that they do not consider the site to be viable with an alternative housing mix based on the level of abnormal costs associated with the development of the site.
- 5.15 Within the applicant's submission, they initially put forward the option of discounted homes for sale. This option was put forward in order to increase the viability and notionally increase the percentage of affordable housing. However, this has been rejected as this product is not considered to meet the current national or local definition of affordable housing. The preferred option (should the approved scheme be accepted as not being viable) is a reduced percentage of affordable housing, delivered on site and in accordance with Hambleton's adopted SPD on affordable housing in terms of size and transfer values.
- 5.16 The applicant is now offering 1 x 2 bedroom property to be provided at the fixed transfer value of £65,200 for transfer to a Registered Provider for rent along with a financial contribution (commuted sum) of £15,000.

Summary

- 5.17 It appears from the applicant's submissions, and on the basis of the Inspector's previously agreed methodology for the valuation of the land, that the approved scheme is not viable based on the housing mix and affordable housing offer. If the development of the site is to be progressed with any affordable housing, then a modification of the housing mix would need to be accepted. The question of any variation in the abnormal costs associated with the development can be dealt with by way of an overage clause allowing money currently allocated in the development budget to the abnormal costs to be clawed back if it is not used.

6.0 RECOMMENDATION

- 6.1 That the S106 agreement be amended to provide 1 affordable dwelling on site, a commuted sum of £15,000 to facilitate the delivery of affordable housing and an overage clause be added to the agreement in order to deal with abnormal costs associated with the development of the site.

Parish: Thirsk
Ward: Thirsk
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Committee date: 20 July 2017
Officer dealing: Laura Chambers
Target date: 27 July 2017

17/00493/FUL

Demolition of dwelling and construction of 6 new dwellings, garages and ancillary works

**At Wisteria Cottage, 21 Station Road, Thirsk
For Moorside Developments**

This application is referred to Planning Committee at the request of Councillor Gareth Dadd and Councillor Janet Watson.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site forms part of a large plot, previously host to a single dwelling, accessed off Station Road but located at the end of an 80m long private drive and widening beyond the rear of the principal building line of Station Road.
- 1.2 The site is surrounded by residential developments of differing styles, with Park Home mobile homes to the south on Millbank Court and more recently two and two and a half storey dwellings on Turkan Close to the east. Properties on Station Road itself vary, including modest bungalows and larger two-storey dwellings.
- 1.3 The existing bungalow and detached garage on the site are to be demolished and permission is sought for 6 dwellings, in addition to the 4 dwellings previously approved on western part of the garden of Wisteria Cottage.
- 1.4 The scheme includes a pair of semi-detached, four bedroom, two-storey dwellings broadly in the location of the existing property on the site, north of this is proposed a terrace of 4 two-storey dwellings, each of two bedrooms. Garages and parking are proposed in the area between the houses, along with some in-curtilage spaces and 2 parking spaces opposite plots 9 and 10. Each property is shown to be allocated 2 car parking spaces.
- 1.5 It is proposed that the vehicular access from Station Road would serve the development, and the other houses previously approved on the site; however the private drive itself has been realigned so that it more closely follows the eastern boundary of the site.
- 1.6 Improvements have been secured as follows: substitution of larger dwellings with smaller dwellings to address the identified need for two bedroom properties in the district, improving the overall housing mix of the proposed development. This has resulted in the introduction of an additional dwelling. Neighbours have been notified of the changes.
- 1.7 The site lies within the Development Limits of Thirsk and Sowerby.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02006/OUT – Outline application for four dwellings including details of access, approved.

16/01420/REM – Reserved Matters application associated with 15/02006/OUT for appearance, landscaping, layout and scale of two dwellinghouses, approved. Plot 1 – 4 bed, Plot 2 - 4 bed.

16/02185/REM – Reserved Matters application for the approval of details of two houses associated with 15/02006/OUT for appearance, landscaping, layout and scale (in addition to those approved under 16/01420/REM), approved. Plot 3 – 4 bed, Plot 4 – 3 + 1 bed annexe.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 – Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 – Settlement hierarchy
Core Strategy Policy CP8 – Type, size and tenure of housing
Core Strategy Policy CP17 – Promoting high quality design
Development Policies DP1 – Protecting amenity
Development Policies DP3 – Site accessibility
Development Policies DP4 – Access for all
Development Policies DP8 – Development Limits
Development Policies DP10 – Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP32 – General design
Development Policies DP33 – Landscaping
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council – Recommended for approval, with the following observations:
(i) We have some concern over the potential number of vehicles around the site;
(ii) We would suggest that boundary fencing should be erected and maintained in order to protect the privacy and quiet enjoyment of neighbouring properties.
- 4.2 Highway Authority – No objection to original layout subject to conditions, comment on revised plans awaited.
- 4.3 Environmental Health – No objections.
- 4.4 Yorkshire Water – Following clarification surface water is to be dealt with via soakaway not to the mains sewer, no further comments to make.
- 4.5 Contaminated Land – No objection subject to condition.
- 4.6 Public comments – following consultation five objections have been received, these are summarised below.
- Piecemeal approach to applications to develop the site may be misleading,
 - Out of keeping with character of properties in the surrounding area,
 - Overlooking/loss of privacy,
 - Loss of light,

- Noise from increased vehicle movements on the site,
- Proposed access is not adequate,
- Potential for flooding if drainage is not adequate,
- Overdevelopment of the site due to lack of open space,
- Potential subsidence due to difference in levels,
- Loss of view,
- Inclusion of roof lights could allow roof space to be used as living accommodation without the need for planning permission,
- Loss of biodiversity.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) Principle of development; (ii) Housing mix; (iii) Access and parking; (iv) Design; (v) Scale of development and (vi) Residential amenity.

Principle of Development

5.2 The proposals are for infill residential development within a sustainable market town location and as such are in line with policy DP8, subject to an assessment of other relevant policy tests including design and impact on residential amenity.

5.3 The site is within flood zone 1 and not therefore at risk of flooding and Yorkshire Water has confirmed adequate means of foul and surface water drainage are achievable and as such there is no reason to assume the proposals would be at risk of flooding.

5.4 Concern has been raised by objectors that an assessment of ecology has not been made, however the Council is not in receipt of evidence to suggest the presence of protected species is likely and as such a formal assessment is not considered a reasonable requirement in order to proceed with the application.

Housing Mix

5.5 Policy DP13 requires housing proposals to provide for a mix of dwellings, which meet the needs of all sections of the local community. The original proposed scheme included only large four bedroom dwellings, this has been addressed by replacing the previously proposed three-storey town houses with smaller, two-storey, two bedroom properties; however in order to maintain the viability of the scheme an additional dwelling has been introduced.

5.6 Four of the six dwellings now proposed would address the identified need for smaller dwellings in the district and would result in a more appropriate housing mix on the site. The provision of 6 smaller dwelling provides 67% of the 6 dwellings

Approved		Proposed	
Plot	Bedrooms	Plot	Bedrooms

1 - approved	4	5 - proposed	4
2 - approved	4	6 - proposed	4
3 - approved	4	7 - proposed	2
4 - approved	3+1 bedroom annexe	8 - proposed	2
		9 - proposed	2
		10 - proposed	2
Overall mix of 10 plots		4 x 2 bed = 40%	6 x 4 bed = 60%
This scheme		4 x 2 bed = 67%	2 x 4 bed = 33%

Access & Parking

- 5.7 It is proposed to utilise the existing access into the site from Station Road, realigning the private drive within the site along the eastern boundary. North Yorkshire County Council Highways Department raised no objections to this means of access, nor the originally proposed parking layout. It is considered that the parking proposed is acceptable as each property is allocated 2 parking spaces.

Design

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.11 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design. This proposal is for 6 dwellings and therefore below the threshold of 'major development',

however in combination with the previously approved 4 dwellings within the grounds of Wisteria Cottage the scheme is a 'major development' of 10 dwellings.

- 5.12 The Statement describes the character of the surrounding area as an established residential area with a range of developments having been implemented over time. No features worthy of retention are identified; the existing bungalow is to be removed to allow for the proposed development.
- 5.13 No community consultation took place in determining the design of the proposals and the Statement does not identify whether any other design options were considered. However, it does refer to an intention to respect the character and built form of the area, including the use of appropriate materials as informing the proposed design.
- 5.14 There is not a uniform architectural style prevalent in the area, rather a wide range of building type and scale are apparent ranging from the Park Homes to the south, established individually designed dwellings to the west and the semi-detached dwellings to the north and the modern estate development to the east. The proposals would further enhance that mix of house types; a high quality of design detailing has been incorporated, resulting in dwellings of a pleasant appearance. It is noted that the use of traditional brickwork and clay pantiles will respect the character of the area.
- 5.15 The originally proposed three-storey townhouses were considered to be of too large a scale to be reasonably accommodated within the plot and were not considered to sit well with the existing built form and land levels. The adjacent Turkhan Close is approximately 1m higher than the application site; however the previously proposed properties did not reflect this change in levels being of the same overall height as the neighbouring properties.
- 5.16 It is now proposed that two-storey properties are introduced to the site, plots 7-10 would be the most visible on entering the site from Station Road and as a result of the reduced scale now proposed would be of a much less imposing appearance. The originally proposed dwellings would have had a ridge height of 9.8m, rising to a height of 11.5m with the inclusion of chimney stacks. The properties now proposed would be 8.5m in height; this reduction in height of over 1m reflects the change in ground levels between the site and the land to the east and therefore represents a more appropriate scale of development.
- 5.17 The inclusion of roof lights in the properties could allow for conversion of the storage area, however those works could be carried out under permitted development and would have no impact in scale or overlooking and as such it would be unreasonable to require removal of the roof lights from the proposed design as it would not undermine the merits of the scheme.
- 5.18 Each of the properties can be accommodated within the site with its own private amenity space, car parking, access and landscaping, the proposals are not therefore considered over development of the site. While acknowledging the frustration of neighbours at the piecemeal approach to development of the site with a number of applications having been submitted, the Council can only consider the merits of the applications proposed at any time. Account has been taken of the number of dwellings proposed for the site overall, but this is not considered unacceptable, irrespective of the number of applications that have been submitted to date.

Residential Amenity

- 5.19 The proposed dwellings would achieve reasonable separation distances between principle room windows of neighbours; it is not therefore considered an unacceptable level of overlooking would be created by the proposals. In line with the previous

applications for the site, it is proposed to enhance the landscaping to the southern boundary of the site; this will provide screening to soften the impact of the development for those residents on Millbank Court.

- 5.20 Concern has been raised by a neighbouring occupier about loss of light to a conservatory erected to the rear (north) of their property. The layout of the proposed properties is such that later afternoon sun may be reduced to the neighbouring property, however it is not considered that the side elevation of a conservatory would constitute a principle window to a primary habitable room and as such cannot be afforded significant weight to warrant refusal of the application.
- 5.21 Objectors have expressed concern about the potential for noise nuisance, particularly during construction. Unfortunately, a certain level of disruption is inevitably associated with construction work, however it is short-term and essential to allow development, as such it cannot be a reason for refusal. The proposals would increase the number of dwellings in the area but not alter the nature of uses alongside the existing residential properties. There is no reason to assume undue noise would result from residential use and accordingly Environmental Health have raised no objections to the application.
- 5.22 The objection citing the loss of a view cannot be attributed weight as this is not a material planning consideration. No detail has been provided with regards to changing the boundary treatment between the application site and the neighbouring property to the east, however concern has been raised with regards to the potential for subsidence given differences in land levels and that permission has not been sought from the neighbouring landowner to change the boundary treatment. These are civil issues that would need to be resolved between the two parties concerned and cannot therefore be taken into account in determining the planning application.
- 5.23 Concern has been raised about a loss of ecological value, there is no evidence of ecological value arising from the inspection of the site which is noted to be a managed garden space that is around a dwelling, triple garage, driveway and hard surfaced turning area.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 S027-13-19 and S027-13-16-RevD, So27-13-30-RevA received by Hambleton District Council on 27/02/17 and 21/06/17 respectively unless otherwise approved in writing by the Local Planning Authority.
 3. The external surfaces of the development 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 development.
 4. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- (i) The existing access shall be improved by widening to provide a minimum width of 4.5m and that part of the access road extending 10m into the site shall be constructed in accordance with Standard Detail number E6Var.
 - (ii) Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
 - (iii) Give Way lines to diagram 1003 shall be provided as shown on drawing reference Proposed Site Plan drawing number 16 Rev D.
 - (iv) The final surfacing of any private access shall not contain any loose material that is capable of being drawn onto the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Site Plan drawing number 16 Rev. D).

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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.
7. 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. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons 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) CP1, CP2, CP4, CP8 and CP17.
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.
4. In the interests of a satisfactory form of development.

5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with Policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In accordance with Policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. CIL
2. Bins

Parish: Well
Ward: Tanfield
14

Committee date: 20 July 2017
Officer dealing: Mrs H Laws
Target date: 28 July 2017

16/02587/FUL

Construction of a replacement agricultural building

At: Well Hall Farm, Well

For: Mr Garry Elsworth

This application is referred to Planning Committee at the request of Councillor Webster

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the western end of Well, within the complex of buildings that make up Well Hall Farm on the eastern side of Bedale Road. An existing agricultural building lies adjacent to the southern boundary of the site on the boundary with Well Hall. The existing building is a part breeze block, part profiled sheet building with a footprint of 18m x 15m (270sqm) and a ridge height of eight metres. Part of the building, facing into the farmyard, is a low level lean-to section.
- 1.2 The adjacent buildings, formerly used in association with the agricultural operation of the farm, are now occupied by businesses including a brewery and grain store. The land to the south lies within the Well Conservation Area. Well Hall, a grade I listed building lies across the boundary and the stables, granary and barn associated with the Hall are listed grade II. The boundary of Well Hall in this location is a stone wall of approximately 1.6m in height; the existing agricultural building immediately abuts this wall.
- 1.3 It is proposed to remove the existing agricultural building and construct a building in a similar position approximately a metre from the boundary, with a footprint of 20m x 15m (300sqm, reduced from 330sqm) and a ridge height of 7.3m. The building would be finished in timber boarding (above coursed stone) and dark brown profiled sheeting. It is proposed to use the building for the same purpose, that is, the storage of farm machinery and implements used to maintain the ten acres of land owned by the applicant and which lie immediately to the north of Well Hall Farm.
- 1.4 Improvements have been secured as follows: The width of the building has been reduced by 1500mm; the eaves by 500mm, thereby increasing the pitch of the roof to 20 degrees. The materials have been amended to include coursed stone lower walls below timber Yorkshire Boarding to the two elevations facing the listed buildings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None relevant to this part of Well Hall Farm

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

- 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
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Good Practice Guide on Planning for Tourism - May 2006
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Comments as follows:

- The Council's heritage officer should make an independent assessment of the application;
- A thorough proposal of how to safely remove the asbestos roof should be included especially in light of nearby houses and gardens. (The application statement that there are no hazardous substances on the site is not agreed);
- Additional and better information is requested at this stage;
- The boundary wall of Well Hall is an integral part of the existing building. Thus damage could be caused by dismantling. The south side is the most sensitive, being part of the listed property adjacent;
- The agricultural need for the building is questioned; and
- The structural case for a new building is questioned.

4.2 Highway Authority – No objection.

4.3 Historic England - No comments. Suggest that the views of the Council's specialist conservation and archaeological advisers is taken, as relevant.

4.4 Environmental Health Officer – Considers there will be no significant impact on the local amenity and therefore has no objection.

4.5 HDC Conservation Officer (prior to the submission of the amendments) - Well Hall is a grade I listed building. The stables, granary and barn are listed at grade II. The proposed replacement barn falls within the setting of all of these buildings, but particularly the grade II outbuildings.

The first edition OS map shows the outbuildings set within an open landscape to the rear, so this has changed over time. Given that there is an existing building on this site, the principle of replacing it would be acceptable. However, its character and appearance should be suited to its position within the setting of the listed buildings.

The proposed building is the same ridge height as the existing building; however the mass of the building has been increased. As a result of this, the eaves level is raised and the roof pitch is shallower.

Whilst the existing building is a modern agricultural shed, the traditional shape of the roof provides some element of harmony within the setting of the historic buildings. The base of the building is screened by a low wall and the owners of Well Hall have attempted some high level screening.

I would prefer to see a more traditional form of structure which retains the existing pitch to the roof in this position and at least the use of timber vertical cladding along the south east elevation.

4.6 Public comments – Comments have been received from and on behalf of three local residents, which are summarised as follows:

- The applicant no longer has a farm and is leasing out other agricultural buildings on this estate. It is questionable whether the proposal will genuinely support agriculture;
- The proposed building appears larger than the building it is replacing;
- The site would be more suitable for a residential building constructed in stone in keeping with the listed buildings;
- A thorough proposal of how to safely remove the asbestos roof should be included somewhere in the application especially in light of nearby houses and gardens. The applicant's statement that there are no hazardous substances on the site is inaccurate;
- The recent planning history of the farm (including a number of unlawful uses) indicates that business and industrial uses may be more probable. This needs to be further investigated by the Hambleton DC in order to accurately assess and determine the application. We do, question why the applicant needs a new larger agricultural building on this site when he is leasing other agricultural buildings in his yard to third parties;
- The proposed development is harmful to the significance through setting of the Well Hall listed buildings, and is harmful to the character of the Well Conservation Area. The proposed development has the appearance of an industrial unit, which will appear wholly out of place in the otherwise well-preserved setting of listed buildings at Well Hall, and within the wider conservation area. It does not appear to be agricultural in character. It has a shallow pitched roof, is wide on plan with wide openings, and is clad with brown metal sheeting. The proposed building is also significantly larger on plan than the existing building;
- The proposed development will have a detrimental impact on the significance of the listed buildings of Well Hall through harm to their setting, in particular the Barn. This is due to the proximity of the listed buildings in relation to the proposed development, its siting and prominence; and its design, materials, scale and shape. When experienced from the courtyards of Well Hall, the setting of these heritage assets will be eroded by the incompatibly designed development and will cause unjustified harm;
- The resulting effect of the Proposed Development would be of a large, out-of-scale industrial unit within the core of the Well Conservation Area, particularly when experienced from Well Bank;
- The design of the proposal does not respect or enhance the local area and buildings. The proposed design of the replacement building which is more akin to an industrial style unit further exacerbates concerns regarding the proposed use of the unit;
- The proposed replacement unit will have a greater overall mass and floor print than the existing unit and could be considered to be overbearing in the context of the surrounding built environment; and
- As there is asbestos present in the unit a contamination assessment and demolition method statement for the removal of contamination is required and should not be requested by condition.

4.7 The following comments have been received following the receipt of the amended plans:

- We welcome the changes to the proposed agricultural unit with regards to the north east and north west facing elevations, however, we request that the stone lower walls and timber boarding be replicated on all four elevations;
- The proposed design is still not traditionally agricultural, more akin to an industrial unit;

- Colour and materials to the sides should be conditioned;
- The recent planning history indicates that industrial and commercial uses are more probable than agricultural uses, a condition should be applied restricting its alternative use;
- Should be restricted to the personal use of the applicant;
- It is noted that no noise insulation is proposed and due to its proximity to the adjacent dwelling, noise insulation is required to protect amenity with regard to noise and disturbance;
- The operation should be restricted to sociable weekday hours; and
- Condition is required to ensure only surface water is discharged into the local drainage system, not sewage or trade effluent.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a replacement agricultural building; (ii) the scale, design and materials of the proposed building; (iii) the effect of the building on the adjacent heritage assets including the setting of the listed buildings and the Well Conservation Area; (iv) the effect on residential amenity; and (v) highway safety.

Principle

- 5.2 The NPPF supports sustainable development. The building lies close to the Development Limits of the village and is considered to be in a sustainable location. The use of the existing building is agricultural and, although there is evidence that some items have been stored in the building of a domestic nature, the principal use remains agricultural. Whether the building forms part of an established agricultural business is not strictly relevant, although the applicant has identified an appropriate area of land in his control that requires management. This is already established and, as with any type of development, the principle of replacing one building with another for the same purpose is acceptable.
- 5.3 The scale of the building is slightly greater than the existing building but not considered inappropriate relative to the size of the land within the applicant's ownership.
- 5.4 Should the applicant wish to change the use of the building from agriculture in the future to, for example, domestic or industrial use, further planning permission would be required.

Scale, design and materials

- 5.5 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.8 The existing building lies on the edge of the farmyard and although there is minimal agricultural activity taking place the site and its surroundings retains its functional, agricultural character. The existing building and the proposed replacement are both functional in appearance in keeping with the existing buildings within the rest of the complex.
- 5.9 The bulk and massing of the proposed building is greater than that of the existing building. It is considered however that the increased size would remain in keeping with the scale of the other buildings within the farmyard to which the building would relate. The positioning of the building off and away from the boundary wall of Well Hall provides the element of separation from the adjacent property that does not currently exist and therefore provides an opportunity to improve the relationship between the application site and the adjacent Conservation Area and listed buildings.

Heritage Assets

- 5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Well Conservation Area.
- 5.12 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. That harm would be the positioning of the building within the setting of the nearby listed buildings but it must be balanced against the existence of the building currently on the site.
- 5.13 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.14 LDF Policy DP28 requires development affecting a heritage asset to preserve or enhance all aspects that contribute to its character and appearance.
- 5.15 The existing building lies immediately on the boundary with Well Hall; the wall of the building rising up from the stone boundary wall imposes itself on the adjacent site. Moving the building away from the wall would allow the boundary wall to be much more clearly defined, thereby achieving better separation between the Hall and the farmyard. This, together with the use of coursed stonework to the lower walls with timber boarding above, respects the traditional appearance of the adjacent site. The use of a dark brown colour for the sheeting on the remaining elevations would reduce the dominance of the building on the setting of the Conservation Area, Well Hall and the listed outbuildings. It is considered that the proposed development would reduce the adverse effect of the building on the setting of the adjacent heritage assets and would not conflict with national guidance and local policies.

Residential Amenity

- 5.16 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed building is approximately 50sqm larger than the existing building and could therefore potentially result in an intensification of activity causing a greater degree of noise and disturbance although this increase is unlikely to be significant. The use of the building would remain agricultural, unless further planning permission were granted, and is proposed to be used for storage of

machinery and implements. A condition could be imposed restricting the use to such activities to prevent its future use for the accommodation of livestock, for example, which could have a greater effect on residential amenity.

- 5.17 The proposed building would lie far enough from any neighbouring dwelling for it to have no greater impact or outlook or sense of enclosure. The proposed development would thus be in accordance with LDF Policy DP1.

Highway Safety

- 5.18 The Highway Authority has raised no objection. Although the proposed building is larger than the existing one it is unlikely to generate a significant number of additional vehicle movements to the detriment of highway safety.

Other matters

- 5.19 Information provided by the applicant identifies the presence of asbestos within the existing building, an issue raised by the Parish Council and some neighbours. This would need to be disposed of in accordance with the relevant regulations and is subject to regulatory controls outside the planning system. No further investigation is required under planning controls.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The building hereby approved shall not be used other than for the storage of farm machinery and farm equipment and shall not be used to accommodate livestock other than in the circumstances described in paragraph D.1(3) of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered E14-2A received by Hambleton District Council on 23 November 2016 and 26 June 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons 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 protect the amenities of the locality in accordance with LDF Policies CP1 and DP1.
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 Policies.