

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 9 August 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 17 August 2017**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	P Bardon (Chairman)	K G Hardisty
	J Noone (Vice-Chairman)	C Patmore
	M A Barningham	B Phillips
	D M Blades	C Rooke
	S P Dickins	A Wake
	Mrs B S Fortune	D A Webster

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 20 July 2017 (P.7 - P.8), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

5 - 124

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, 20th July, 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		B Phillips
	D M Blades		C Rooke
	Mrs B S Fortune		D A Webster

Also in Attendance

Councillor	M S Robson	Councillor	Mrs J Watson
------------	------------	------------	--------------

Apologies for absence were received from Councillors S P Dickens, C Patmore and A Wake

P.7 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 22 June 2017 (P.5 - P.6), previously circulated, be signed as a correct record, subject to Minute P.5 Item (10) being amended to read that Councillor M A Barningham declared a personal interest and left the meeting prior to discussion and voting on this item.

P.8 **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) 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 and Mrs Tregellis

PERMISSION REFUSED

The Committee asked for it to be minuted that the land was not previously developed land in the terms of the National Planning Policy Framework annex 2.

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (2) 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

PERMISSION GRANTED

(The applicant's agent, Paul Butler, spoke in support of the application).

- (3) 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 and Mrs Booth

PERMISSION GRANTED

(The applicant's agent, David Boulton, spoke in support of the application).

- (4) 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 View Caravan Park, Canvas Farm, Moor Road, Knayton for Mr and Mrs Cook

PERMISSION GRANTED

(The applicant's agent, David Boulton, spoke in support of the application).

- (5) 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, Street Lane, Pickhill for Mr Anthony Smith-Ketteringham

PERMISSION GRANTED

- (6) 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

PERMISSION GRANTED subject to an additional condition restricting the trading hours from 6am to 11pm.

- (7) 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

PERMISSION GRANTED

(The applicant's agent, Mark Newby, spoke in support of the application).

- (8) 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 Station Lane, Shipton By Beningbrough for Wernick Group Limited

PERMISSION GRANTED subject to an amendment to condition 5 to require evergreen species in the landscaping scheme.

(The applicant's agent, Richard Irving, spoke in support of the application).

- (9) 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 east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby for Taylor Wimpey North Yorkshire

PERMISSION GRANTED subject to any the satisfactory prior completion of a Deed of Variation to the S106 Agreement dated 17 August 2012 (as amended) and a new S106 agreement to secure a reduced provision of affordable units accompanied by a viability review mechanism

(The applicant, Russell Hall (Taylor Wimpey), spoke in support of the application.)

- (10) 17/00982/OUT - Outline approval for a detached two storey dwelling at Howebridge, 5 Blakey Lane, Sowerby for Mr and Mrs Robinson

PERMISSION GRANTED

- (11) 17/01102/OUT - Outline application for the construction of up to 5 dwellings at Home Farm, Mill Lane, Stillington for Messrs Graham & Ian Sparrow

PERMISSION GRANTED subject to the completion of a S106 agreement to require the five units to be Self-Build.

The decision was contrary to the recommendation of the Executive Director because the Committee considered the benefits of a Self-Build Scheme outweighed the harm identified in the report.

(The applicant's agent, Mellissa Madge, spoke in support of the application).

- (12) 16/01138/S106 - 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

DEFER to allow consultation with the Town Council and further consideration of the scheme.

(The applicant, Shaun Cuggy, spoke in support of the application.)

(Stewart Brennan spoke on behalf of Stokesley Town Council objecting to the application.)

- (13) 17/00493/FUL - Demolition of dwelling and construction of 5 new dwellings, garages and ancillary works at Wisteria Cottage, 21 Station Road, Thirsk for Moorside Developments

PERMISSION GRANTED

- (14) 16/02587/FUL - Construction of a replacement agricultural building at Well Hall Farm, Well for Mr Garry Elsworth

PERMISSION REFUSED because no agricultural need had been demonstrated and the scheme fails the test of LDF Policy CP4.

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

The meeting closed at 5.00 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 17 August 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 17 August 2017

	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02735/OUT Mr K Ayrton Appleton Wiske Page no: 11	Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access. For: Mr John Adams At: Little Hornby Farm, Appleton Wiske RECOMMENDATION: GRANT
2	17/00308/OUT Mr K Ayrton Appleton Wiske Page no: 19	Outline Application for one replacement dwelling and construction of one new dwelling with new vehicular access For: Mrs Wendy Youll At: Little Hornby Farm, Appleton Wiske RECOMMENDATION: GRANT
3	17/01223/OUT Mrs C Strudwick Bagby Page no: 25	Outline application with all matters reserved for the construction of 2 dwellings with provision of new access to the public highway For: Mrs Debbie Price At: West View, Bagby Lane, Bagby RECOMMENDATION: GRANT
4	16/02159/FUL Mr T Wood Brafferton Page no: 33	Change of use of walled garden into events venue, including creation of a new access through the wall with associated track and parking area as amended by additional details received on 21 March 2017 and 26 June 2017 For: Sir Anthony Milnes Coates At: Helperby Hall, Main Street, Helperby RECOMMENDATION: GRANT
5	17/01383/FUL Mrs H Laws Burneston Page no: 45	Three dwellings For: Mr D Blythman At: Land east of Mustard Field House, Church Wynd, Burneston RECOMMENDATION: GRANT
6	15/02666/FUL Mr T Wood Easingwold Page no: 53	Construction of an agricultural storage building For: Mrs Jane Grant At: Longbridge House Farm, Stillington Road, Easingwold RECOMMENDATION: REFUSE

	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/00383/FUL Miss L Chambers Flawith Page no: 63	Construction of a dwelling For: Mr E Moorey At: The Cottage, Flawith RECOMMENDATION: REFUSE
8	13/01956/DIS16 Mr P Jones Northallerton Page no: 69	Discharge of Condition 16 (level crossing) relating to planning approval 13/01956/FUL For: David Wilson Homes Yorkshire (East) Division At: Castlegate and Mowbray Park Development, Yafforth Road, Northallerton RECOMMENDATION: GRANT
9	17/00584/FUL Mr K Ayrton Northallerton Page no: 73	Mixed Use Development for a residential care home (76 bedrooms), 26 extra care apartments and an 82 bedroom hotel with ground floor retail unit with associated landscaping and parking For: Crown Care At: Land south of Willow Beck Public House, Finkills Way, Northallerton RECOMMENDATION: GRANT
10	16/02529/OUT Miss L Chambers Sandhutton Page no: 85	Outline application for a new dwelling with details of access and layout For: Mr John Beamson At: Hope Farm East, Sandhutton RECOMMENDATION: GRANT
11	16/01139/FUL Miss L Chambers Sowerby Page no: 93	Demolition of former abattoir buildings and construction of a terrace of 4, three bedroom dwellings to include access, parking, landscaping, gardens and boundary treatment. For: Mr Abbott At: H Lee and Son, Chapel Street, Thirsk RECOMMENDATION: REFUSE
12	17/00894/LBC Miss L Chambers Sowerby Page no: 101	Demolition of former abattoir buildings and construction of a terrace of 4, three bedroom dwellings to include access, parking, landscaping, gardens and boundary treatment. For: Mr Abbott At: H Lee and Son, Chapel Street, Thirsk RECOMMENDATION: REFUSE

	Application Ref/ Officer/Parish	Proposal/Site Description
13	17/01312/FUL Mrs J Forrest Sutton-under-Whitstonecliffe Page no: 105	Revised application for the demolition of a conservatory and construction of a two storey extension to existing dwelling For: Dr Ian Wellings At: Oakwell Barn, Fountains Court, Sutton-under-Whitstonecliffe RECOMMENDATION: REFUSE
14	17/00807/FUL Miss L Chambers Topcliffe Page no: 109	Four detached houses For: Mr & Mrs Corps At: Anchor Dykes, Station Road, Topcliffe RECOMMENDATION: GRANT
15	17/00784/FUL Mr P Jones Welbury Page no: 117	Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins For: Levendale Properties Ltd At: Duke of Wellington, Welbury RECOMMENDATION: GRANT

This page is intentionally left blank

Parish: Appleton Wiske

Ward: Appleton Wiske & Smeatons

1

Committee date: 17 August 2017

Officer dealing: Mr K Ayrton

Target date: 18 August 2017

16/02735/OUT

Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access

At Little Hornby Farm, Hornby Road, Appleton Wiske

For Mr John Adams

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 located at the western end of Appleton Wiske, accessed off Hornby Road, which leads to Hornby and Great Smeaton. There are several detached properties on the same side of the road, which extend out along the roadside, into the wider countryside. The development to the east of the site extends further back from the roadside, and includes some larger scale agricultural buildings.
- 1.2 The site accommodates a semi-detached (former) farmhouse to the front of the site. The supporting statement advises that this is in a poor state of repair. The rear part of the site forms part of a wider farm complex, which accommodates a range of farm buildings. These are all relatively low lying and run parallel with the residential development to the front of the site. As with the dwelling, the agricultural buildings appear to be reaching the end of their life, requiring significant repairs to bring them up to a satisfactory standard.
- 1.3 The wider site, which is represented by the blue line on the site location plan, is currently in the joint ownership of the applicant and the adjoining neighbour at Arden. The land will be split between the two parties, although the exact position of the separation is currently unknown.
- 1.4 A separate application (see section 2 below) has been made by the other owner for a similar development on land within the blue line area and effectively adjacent to this application.
- 1.5 The proposal would result in the net increase of two dwellings. The proposed development comprises the demolition of an existing semi-detached property and replacement with a detached dwelling; and the construction of two dwellings to the rear of the site.
- 1.6 The matters for approval at this stage are access and scale. The remaining matters, i.e. appearance, landscaping and layout would be for a later application if this is approved.
- 1.7 Whilst the application is in outline form, an improved illustrative layout plan was requested to gain a better understanding of how the amount of development proposed on the site could be developed in a manner suitable to its context. The plan identifies a development accommodating a mix of one and two storey development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00308/OUT - Outline Application for one replacement dwelling and construction of one new dwelling with new vehicular access; Pending Consideration

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 CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP31 – Protecting natural resources: biodiversity/nature conservation
Development Policy DP32 – General Design
Supplementary Planning Document – Size, type and tenure of new homes
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance
Draft Appleton Wiske Neighbourhood Plan

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments – Two letters of support have been received, commenting that the site is currently in a poor state and in need of improvement.

One neutral letter has also received making the following comments:

- Whether the hedge will be retained;
- The writer would strongly object to development beyond the hedge; and
- More details requested on the type, size and from that the houses will take.

- 4.4 Environmental Health Officer - No objection; recommends a condition to secure land contamination assessment.
- 4.5 Northumbrian Water: No comments.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is part within (where the replacement dwellings is proposed) and part outside (where the two new dwellings are proposed) the Development Limits of Appleton Wiske.

Policy DP9 states that development will only be granted for development 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. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. 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 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 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.
- 5.5 In the Settlement Hierarchy reproduced in the IPG, Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan (NP). The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for three dwellings, although one is a replacement and located within the Development Limits. This scale of development is considered to be an acceptable scale in relation to the guidance and the size and form of Appleton Wiske.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.9 In making this assessment it is noted that the application is in outline form only with all matters other than access and scale reserved. The character of the area is influenced by the linear residential form along the roadside and the more informal and low key agricultural development to the rear, which integrates with the wider countryside, avoiding the need for harsh boundary treatments.
- 5.10 It will be important that any development in this location responds positively to this edge of village character. This should be reflected in both the built form and the spaces around the buildings, ensuring a successful transition. It is unlikely that a standard residential dwelling type would achieve a suitable design solution, with a more appropriate approach taking cues from agricultural forms found in the locality. Boundary treatments, landscaping and materials will all have a role to play in delivering a high quality design in accordance with policy DP32.

Residential Amenity

- 5.11 The impact of the replacement dwelling will be no different than existing. The main consideration of the remainder of the development is in relation to the neighbouring properties along the frontage. However, there is sufficient depth to the site to deliver a development that would not be detrimental to existing occupiers and as such it is considered that a reserved matters application would be able to comply with the requirements of Development Policy DP1 in terms of the potential impacts on residential amenity.

Highway Safety

- 5.12 The local highway authority has considered the application and raised no objection to the proposals subject to conditions. The principle of the access to the development is considered to be acceptable. The proposed development is not considered to have any detrimental impact on road safety in the vicinity of the application site.

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 the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five 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 of proposed building(s) and space(s) including parking areas; (b) design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.

3. 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.
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 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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; and (ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of vehicle access, parking and turning (to include details of how the existing gulley on Hornby Road at the access point will be relocated) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
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: 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. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
9. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 8 above.

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

The reasons for the 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 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. In accordance with Policy DP3 and in the interests of highway safety.
4. In accordance with Policy DP3 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.
5. In accordance with Policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with Policy DP3 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 DP3 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.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.

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 its own Neighbourhood Services.

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

This page is intentionally left blank

Parish: Appleton Wiske

Ward: Appleton Wiske & Smeatons

2

Committee date: 17 August 2017

Officer dealing: Mr K Ayrton

Target date: 18 August 2017

17/00308/OUT

Outline Application for part demolition of dwelling and construction of two dwellings with new vehicular access

At Little Hornby Farm, Hornby Road, Appleton Wiske

For Mrs Wendy Youll

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 located at the western end of Appleton Wiske, accessed off Hornby Road, which leads to Hornby and Great Smeaton. There are several detached properties on the same side of the road, which extend out along the roadside, into the wider countryside. The development to the east of the site extends further back from the roadside, and includes some larger scale agricultural buildings.
- 1.2 The site accommodates the end part of a semi-detached (former) farmhouse to the front of the site. This is in a poor state of repair. The rear part of the site forms parts of a wider farm complex, which accommodates a range of farm buildings. These are all relatively low lying and run parallel with the residential development to the front of the site. As with the dwelling, the agricultural buildings appear to be reaching the end of their life, requiring significant repairs to bring them up to standard.
- 1.3 The wider site, which is represented by the blue line on the site location plan, is currently in the joint ownership of the applicant and the adjoin neighbour at Hope House. The land will be eventually split between the two parties, although the exact extent of which is currently unknown.
- 1.4 A separate application (see section 2 below) has made by the other owner for a similar development on land with the blue line area.
- 1.5 The proposal comprises the demolition of (part of) the existing semi-detached property (the main part of the dwelling is located beyond the application site) and replacement with a detached dwelling; and the construction of a dwelling to the rear of the site. It is therefore considered that the proposal would result in a net increase in two dwellings.
- 1.6 The matter for approval at this stage is access. The remaining matters, i.e. appearance, scale, landscaping and layout would be for a later application if this is approved.
- 1.7 Whilst the application is in outline form, an illustrative proposed site plan has been submitted in support of the application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02735/OUT - Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access; Pending consideration.

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 CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP31 – Protecting natural resources: biodiversity/nature conservation
Development Policy DP32 – General Design
Supplementary Planning Document – Size, type and tenure of new homes
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance
Draft Appleton Wiske Neighbourhood Plan

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments – One letter of support received.
- 4.4 Environmental Health Officer - No objection; recommends a condition to secure a land contamination assessment.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is part within (where the replacement dwelling is proposed) and part outside (where the two new dwellings are proposed) the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development 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. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. 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 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 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.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan (NP). The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for two dwellings, one of which will be located within the Development Limits. This scale of development is considered to be an acceptable scale in relation to the guidance and the size and form of Appleton Wiske.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.9 In making this assessment it is noted that the application is in outline form only with all matters other than access and scale reserved. The character of the area is influenced by the linear residential form along the roadside and the more informal and low key agricultural development to the rear, which integrates with the wider countryside.

- 5.10 It will be important for any development to respond positively to this edge of village character. This should be reflected in both the built form and the spaces around the buildings, ensuring a successful transition. It is unlikely that a standard residential dwelling type would achieve a suitable design solution, with a more appropriate approach taking cues from agricultural forms found in the locality. Boundary treatments, landscaping and materials will all have a role to play in delivering a high quality design in accordance with policy DP32.

Residential Amenity

- 5.11 The main consideration will be in relation to the neighbouring properties along the frontage. However, there is sufficient depth to the site to deliver a development that would not be detrimental to existing residential occupiers. These matters can be dealt with at the reserved matters stage.

Highway Safety

- 5.12 The local highway authority has considered the application and raised no objection to the application, subject to conditions relating to information required at the reserved matters stage. The principle of the development of the site is not considered to be harmful in terms of road safety.

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 the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five 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 scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; and (d) the landscaping of the site.
 3. 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.
 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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; and (ii) The final surfacing of any private access proposed public highway.
 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 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 in consultation with the Highway Authority: (i) vehicular turning and parking arrangements.

6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 5 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.
7. 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.
8. 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 subcontractors 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.
9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.
11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

The reasons for the 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 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. In accordance with Policy DP3 and in the interests of highway safety.
4. In accordance with Policy DP3 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.
5. In accordance with Policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with Policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with Policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with Policy DP3 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.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.

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 its own Neighbourhood Services.

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: Bagby
Ward: Bagby and Thorntons
3

Committee date: 17 August 2017
Officer dealing: Mrs C Strudwick
Target date: 24 August 2017

17/01223/OUT

Construction of 2 dwellings with provision of new access to the public highway (all other matters reserved)

At West View, Bagby Lane, Bagby

For Mrs Debbie Price

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 This proposal relates to a 1600 sq.m piece of land to the rear of two dwellings known as Longways and Westlands and to the south of West View. The site is on the north western side of Bagby Lane, at the southern end of the village.
- 1.2 The land abuts a larger parcel of land which was granted outline permission for three dwellings in September 2016 (16/01468/OUT). The indicative layout shows the dwellings to the south west of the larger site, to the rear of Sandown Close.
- 1.3 The site is currently grazing land; the general topography slopes up from the A19. The site is not within Flood Zones 2 or 3, although there is a watercourse 85 metres to the north west. There is a public footpath beyond the watercourse, and a bridleway approximately 200m beyond that. The watercourse has a good level of mature tree landscaping along its length, providing some screening of the site from both public rights of ways.
- 1.4 Approximately 35m to the north west of the proposed site there is a large hybrid black poplar tree which is protected by a Tree Preservation Order (16/00008/TPO2). The tree is large, and so an extensive root network is expected.
- 1.5 This application seeks outline planning permission for two houses with access off Bagby Lane. Each plot would measure approximately 12m by 12m. The remaining matters of appearance, landscaping and layout would be for a later application if this is approved. The application form indicates that the dwellings would each have three bedrooms.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/01468/OUT - Construction of three dwellings with provision of new access to the public highway; Granted 20 September 2016.
- 2.2 16/00008/TPO2 – Tree Preservation Order 2016 No: 8; Made 22 July 2016, confirmed 21 September 2016.

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 – Objects to the proposal on the following grounds:

- An agricultural field next to a sewerage works;
- The site is not a preferred Parish Council site for development;
- There are more suitable sites in Bagby with better access;
- The proposed properties will impinge on existing properties;
- Bungalows would not cause loss of amenity to residents;
- The development would be detrimental to the current view of the village;
- The proposed new entrance is regularly blocked by large tankers turning into Bagby Airfield; this new entrance would only intensify the problem;
- The entrance is too narrow and too close to Longways causing poor visibility.
- The site is known to flood on occasions with sewerage after heavy rainfall; and
- Residents have been told by Yorkshire Water that the sewerage system cannot take any more properties without improvements.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer – No objection.

4.5 Public comments - 14 objections raising the following points:

- The close proximity to the Black Poplar tree endangers its future;
- Further development will detract from neighbouring properties;
- Bagby Road is a busy road, a new access will be hazardous and disruptive;
- The cumulative impact of infill sites in Bagby;
- Impact on landscape and views across the Vale of York;
- Over-stretched sewerage system in the village; and
- This development brings no added value to the village.

4.6 Yorkshire Water - No observation comments, as the developer has stated surface water being drained to existing watercourse, included within the blue line of their ownership, as per location plan. Generally, foul water flows are negligible compared to both foul and surface water going into foul sewers. Hence YW's promotion of surface water hierarchy under Requirement H3 Building Regulations 2000 - soakaway/infiltration system, land drain/watercourse and finally (as last resort) sewer.

With regard to the sewerage network, this is an operational matter, outside of planning, and YW always advises customers to get in touch when sewer flooding occurs, so that they can be investigated via Customers Services and Sewage Operations teams, to check what's going on (if any - examples like root infestation,

wrong types of material/greasy products causing blockages and anything else). Obviously it is best for residents etc. to continue to contact YW, I would have thought that those who have done so already, will have correspondence with a contact person, likely from Customer Services, who can register any more complaints for the operation teams to investigate further, for any future works to resolve the situation. Please note - there are also issues beyond YW's control - example surface water flooding in times of storm, whether from fields, blocked road gullies, land drains etc.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character; (iii) the impact on the black poplar tree which is subject to a provisional Tree Preservation Order (TPO); (iv) access issues; and (v) the impact on residential amenity.

Principle

- 5.2 Bagby does not feature in the Settlement Hierarchy published in the 2007 Core Strategy and therefore does not have Development Limits. For that reason any new housing in the village is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The village is designated a Secondary Village in the updated Settlement Hierarchy published with the Council's Interim Policy Guidance (IPG), which allows small-scale development to be considered within the village.
- 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 The IPG was adopted 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 Local Development Framework. 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:
- Development should be located where it will support local services including services in a village nearby.
 - Development must be small in scale, reflecting the existing built form and character of the village.
 - Development must not have a detrimental impact on the natural, built and historic environment.
 - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the village of Bagby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion.

- 5.6 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure. It is noted that residents have questioned sewer capacity; however, the advice from Yorkshire Water reported in section 4 above offers appropriate assurance.
- 5.7 The application form proposes two three-bedroom houses. Policy CP8 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure. The Council's Size, Type and Tenure of New Homes SPD, adopted September 2015, identifies that to meet the District's housing needs a greater number of two and three bedroom market homes are required. The development would support that aim and a condition could be applied to any consent to ensure it.
- 5.8 Any reserved matters application should give consideration to the Government's Nationally Described Space Standards (NDSS) and the size of dwellings should be in conformity with these standards. Space standards are set out in the SPD mentioned above.

Character

- 5.9 The development is small in scale at two dwellings and the indicative plans show the houses to be located to the rear of Westlands and Longways with a 7m piece of land forming a landscaped buffer between the driveway off the access road and the rear boundaries of Longways and Westlands. The location of the proposed dwellings would extend development to the rear boundary of West View. Development would be kept in line with and not extending into the countryside beyond the southernmost residential curtilage of West View, relating well to the existing settlement.
- 5.10 The site is screened to some degree by housing on Bagby Lane; however there are extensive views of the site on the approach from the A19, north up Bagby Lane. Therefore any reserved matters submission for this development would need to take into consideration the need for soft landscaping within this rural landscape setting, particularly on the southern boundary of the southern plot to avoid detrimental impact on the natural environment.

Tree issues

- 5.11 Reserved matters to finalise the scale, design and location of the dwellings within the plots should also recognise and respect that the hybrid black poplar tree is the singular most important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach on the tree and impact on its setting, as well as protecting its health.
- 5.12 A tree report submitted in support of the previous application 16/01468/OUT identified the tree as likely to be a hybrid black poplar, but it is a large landmark tree which should be retained alongside any development. The report goes on to advise there should be a root protection area of 15m and shading issues should be considered in the layout. It is considered that that advice is also applicable to this development and if this application is approved a more detailed plan demonstrating how the tree will be protected, noting the cumulative impact of this development and that approved under 16/01468/OUT, can be required at the reserved matters stage.
- 5.13 Careful consideration will also be required at the reserved matters stage as to the design and materials in order to respect the natural and built environment and to preserve views of the village.

- 5.14 A large number of letters of concern refer to the preservation of the black poplar. A plan has been received in support of this application demonstrating the crown spread and appropriate root protection area of the tree and indicating that these are beyond the application site. It is considered that the use of appropriate planning conditions and the future approval of the layout and design can provide adequate protection for the tree.

Access issues

- 5.15 The Highway Authority has raised concerns that the access road serving these two plots and the three approved under reference 16/01468/OUT should be 4.1m wide, preferably wider. Any width less than 4.1m may mean vehicles stop on the public highway to let others out of the access point, which would be a highway safety concern. The required width can be achieved, although final details of the road, including the width, from the access point on Bagby Lane to the new dwellings would be decided at the reserved matters stage. Details demonstrating how the road would be constructed to avoid any damage to the tree should also be submitted at that stage.
- 5.16 The proposed sight lines are satisfactory and the Highway Authority has no objection subject to the imposition of appropriate conditions. As such the proposal is in accordance with policy relating to access.

Residential amenity

- 5.17 The proposed plots have a separation distance of approximately 8m, narrowing to 7m, from the rear boundaries of Westways and Longways. The strip of land between the rear boundaries and proposed plots is not within the site but is shown to be in the applicant's ownership and therefore the landscaping details to be submitted at the reserved matters stage can include planting on this land to help limit any impacts on residential amenity. The agent has confirmed that this gap presents a buffer to the adjoining properties, with a view to planting.
- 5.18 It is considered that two dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties if due regard is paid to the existing dwellings and careful consideration of the dwellings' orientation and window openings. The scale, design and positioning of the dwellinghouses, of which no details have been submitted, would be dealt with through reserved matters.

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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.

This decision grants permission for not more than 2 dwellings and each dwellings, each with not more than 3 bedrooms.

- 3 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.
- 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: (a) The details of the access shall have been approved in writing by the Local Planning Authority; and (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 5 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 from a point measured 2.0 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.
- 6 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 parking; (b) vehicular turning arrangements; and (c) manoeuvring arrangements. 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 details. Once created these 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 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning. 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.
- 8 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.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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. In the interests of highway safety.
4. In the interests of highway safety.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. 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. 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. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. An explanation of the terms used in condition 5 is available from the Highway Authority.

4. The proposal shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
5. With regard to condition 2, the Local Planning Authority will expect to see details of landscaping between the application site and the rear boundaries of Westways and Longways, on land shown to be in the applicant's control.

Parish: Helperby
Ward: Raskelf & White Horse
4

Committee Date: 17 August 2017
Officer dealing: Mr T J Wood
Target Date: 25 August 2017

16/02159/FUL

Change of use of walled garden into events venue, including creation of a new access through the wall with associated track and parking area

At Helperby Hall, Main Street, Helperby
For Sir Anthony Milnes Coates

This application is referred to the Planning Committee as the proposal seeks approval for development outside Development Limits and requires consideration of the competing demands of protection of heritage assets and residential amenity and the potential benefits to the local economy

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies to the south of Helperby, beyond the Hall, and within land that has the feel of open countryside. The site is screened from and lies to the west of the highway that links Helperby with the villages to the south and west, Myton on Swale, Tholthorpe and Flawith and those beyond.
- 1.2 The ground is generally level and parts outside of the walled garden are wooded. The walled garden links to other formally laid out gardens associated with Helperby Hall and the estate property. However, the agent has confirmed that the application site and adjacent land to the south are owned by a Trust and are therefore in separate ownership from Helperby Hall.
- 1.3 There is a small group of estate properties including dwellings to the south of the application site and close to the proposed access route between the walled garden and the highway.
- 1.4 The application seeks to bring the currently unused walled gardens into a viable commercial use. The new use is intended to make the restoration of the garden walls and the buildings and formal planting within them a financially viable proposition.
- 1.5 The walled gardens are listed grade II as part of the curtilage of Helperby Hall and lie within the Brafferton and Helperby Conservation Area.
- 1.6 The scheme involves:
 - Removal of some greenhouses attached to the walls of the walled garden;
 - Formation of a new vehicular access to the interior of the walls;
 - Laying out a new access road within the walled gardens;
 - Parking and servicing areas;
 - A formal landscaping scheme;
 - Two lawned areas to accommodate marquees for events; and
 - A covered, open sided, building in which to conduct weddings.
- 1.7 When the application was first submitted concerns were raised with the applicants that the scheme lacked the necessary detail. The main aspect of concern was the lack of detail to show how the new use would impact upon the heritage value of the walled garden, its setting and upon the amenity of neighbours. During the long application process work has been undertaken to provide greater clarity of what it

proposed and how controls might be used to avoid harm occurring. Details have been supplied of:

- The proposed works to the walled garden;
- Proposals to limit the number of events to be held each year; and
- Infrastructure that would be required for those events.

1.8 These details provide that:

- Event would be limited to 120 guests;
- A minimum of 70 car parking spaces;
- Marquees would be temporary;
- A single “silent run” generator would feed all power requirements;
- Only low level lighting would be installed; and
- Any amplified music would be limited to within the marquee and where possible directed away from the nearest dwellings.

1.9 The number of events is set out in detail as follows:

- Between 1 March and 31 October:
 - An unlimited number of events finishing before 8pm;
 - No more than 45 events finishing after 8pm; and
 - For the 45 late events, all music and amplified noise would cease by 11.45pm.
- Between 1 November and 28 February:
 - No more than 10 events; and
 - All music and amplified noise would cease by 11.45pm.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant.

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 CP11 - Distribution of new employment development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP25 - Rural employment
Development Policies DP28 - Conservation
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

4.0 CONSULTATIONS

- 4.1 Helperby Parish Council – wish to see the application refused noting the entrance/access to the site is not suitable for large volumes of traffic. There are three entrances into the site and the Parish Council feel one of the other entrances would be better. Local residents will be affected significantly with the volume of traffic using this access to the site
- 4.2 Highway Authority – No objection; recommends conditions relating to the access, the construction period, parking and turning and prevention of mud on the road.
- 4.3 Yorkshire Wildlife Trust – Recommends that a bat informative and a breeding bird informative are provided if planning permission is granted
- 4.4 Environmental Health Officer – objected on the basis of the information originally provided, which was considered insufficient to show that there would be not a significant impact on local amenity considering the close proximity of a number of residential premises and in the absence of further details and an appropriate limit on the number of events that can be held on the site each year and in any one calendar month.

Comments on the additional details summarised in paragraphs 1.8 and 1.9 are awaited and will be reported to the Committee.

- 4.5 NYCC Archaeology - The walled garden is likely to contain archaeological deposits such as evidence for heating systems, services, horticultural activity and design features such as pathways and planting beds. It is of archaeological interest and is a heritage asset (NPPF Annexe 2).

The proposed works are unlikely to have a major impact on archaeological remains where they are limited to creation of a new gravelled access and parking area. It is quite likely that the current horse menage will have caused some damage to archaeological remains and the area this covers is broadly similar to the proposed car park.

Aspects of the proposal that entail ground reduction, particularly in the northeast corner adjacent to the walls, and levelling elsewhere in the garden may have a negative impact on archaeological remains. A scheme of archaeological mitigation recording should be required by condition in respect of to these ground-disturbing works. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, to be followed by appropriate analyses, reporting and archive preparation in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 4.6 Natural England – No comment; advises that this does not imply that there would be no impact on the natural environment, but only that the application is not likely to result in significant impact on statutory designated nature conservation sites or landscapes. It is for the Council to determine whether or not this application is consistent with national and local policies on the natural environment, taking account of advice from other bodies and individuals, including specialist ecological or other environmental advice.

- 4.7 The Georgian Group - The large walled garden is of late nineteenth century date but designed in an early Georgian style and, it is understood, contained formal gardens when newly built. It is an architecturally distinguished example of its kind and plays a crucial role in the setting of the Hall, which was built c1709. Its considerable size, seventeenth century style corner pavilions, classical columned temple, and prominent location flanking the road into the village arguably make it amongst the most memorable gardens of its type and period in the region.

If restored, the walled garden could be a considerable asset to any business of this kind. It is not clear from the original supporting documentation whether other ways of achieving the applicant's requirements in terms of car parking and deliveries have been explored, and if so why they were discounted.

The proposed development involves the demolition of greenhouses which are attached to the walls, and of parts of the walls themselves. The proposed new vehicle opening would impact on the symmetry of this part of the composition, which has a central domed semi-circular garden temple and square pavilions at its corners. A degree of harm is being proposed to the fabric and significance of this heritage asset without appropriate measures being put in place to secure the repair of the remaining fabric.

Strongly urges that any demolition work is kept to an absolute minimum, and that materials other than tarmac are used for the road surface. Any approval should also be linked to an agreed programme of repairs which would ensure the walled garden's long-term future.

(Officer note: these comments pre-date the further details summarised in paragraphs 1.8 and 1.9.)

- 4.8 Victorian Society - Welcomes the principle of a proposal that would realise much-needed repairs to the fabric of the walled garden. The garden appears to date from the late nineteenth or early twentieth century and is an unusually good example of its type, with corner towers and a domed pavilion, as well as attractive iron gates and railings. In the short term ensuring that the fabric of the walls is properly maintained is of the utmost importance. If this application can facilitate this, and do so without unduly compromising its special qualities, then it should be looked on favourably. In the long term, restoring the space as a garden (using cartographic evidence to ensure a historically informed design) – a use which could dovetail successfully with the wider management of the site – should be a major priority.

Recommends that a full schedule of necessary repairs must form part of this application. While the physical interventions the application proposes would cause harm to the curtilage listed structure, this could be acceptable if it is conditional on the historic fabric being carefully and comprehensively repaired. In addition to being closely conditioned, all repairs should be carried out by an accredited and experienced craftsman.

The erection of a marquee, which is clearly required in order to accommodate the planned events, is acceptable only on the basis that it is strictly temporary. Again, this can be secured conditioned.

- 4.9 Ministry of Defence – no safeguarding objections

- 4.10 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues are: (i) the impact on, and opportunities presented for the protection, enhancement and on-going maintenance of heritage assets; (ii) the impact on the amenity of neighbours with regard to noise and activity; (iii) highway safety; (iv) the economic impact of the proposal; and (v) wildlife protection.

Impact on the heritage assets

- 5.2 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. In this case the site is associated with Helperby Hall a Grade II Listed Building.
- 5.3 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 Brafferton and Helperby Conservation Area.
- 5.4 As noted earlier, the application originally lacked sufficient detail to allow this important issue to be evaluated in sufficient detail. However, on assessment of the material submitted during the course of the application it is considered that the proposal would lead to less than substantial harm to heritage assets. That harm would be:
- The partial demolition of garden walls to achieve vehicular access to the garden;
 - Changes of levels within the walled garden to create surfaces for siting marquees and ancillary equipment;
 - The creation of the hard surfaced access road leading to and within the walled garden;
 - The removal of trees to enable the construction of the access road;
 - The creation of hard surfacing for car parking and for vehicles associated with the operation of events; and
 - Alterations and upgrade of the loose surfaced vehicular access from the Helperby to Flawith road to tarmac to gain access to the site and other estate property.

Beneficial changes may also be identified:

- The removal of the menage;
 - The restoration of the walls and roofs to two corner buildings;
 - The restoration of features within and upon the walls;
 - The removal of greenhouses from the exterior of the south wall; and
 - The implementation of formal planting within the walled garden.
- 5.5 Paragraph 134 of the NPPF states that where a 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.
- 5.6 The public benefits of the proposal can be identified as:
- The restoration of the features of the walled garden; and
 - Achieving an economic use of the site, creating jobs and a place for functions including marriages.

- 5.7 It is considered that the two are linked. Whilst the walls are in reasonable condition they will require maintenance in future and the agent advises that extensive repointing will be needed soon. He also advises that two of the corner buildings have leaking roofs that need to be repaired. These and the costs of removing the greenhouses and the proposed restoration of formal planting within the majority of the walled garden cannot be met by the funds currently available to the Trust that owns the site and finding a new economically beneficial use of the walled garden is appropriate in order to secure funding opportunities.
- 5.8 No other alternative use has been identified for the walled garden. It appears that the scope for beneficial use of the walled garden other than as part of a visitor attraction to places such as a stately home or as a horticultural nursery is greatly limited. Avoiding the need for new buildings within the walled garden, which would potentially harm the significance of a space that has not been interrupted by buildings, is also beneficial but is not a public benefit that can weigh in favour of this application as any buildings would require permission in their own right. However, it gives an indication of the limited opportunities for finding a viable new use for the space.
- 5.9 The agent notes the concerns expressed by NYCC Archaeology and advises that it is known from the photographs provided and by a visual survey of the walls that there have been no structures within the garden beyond the walls and corner buildings. The agent also advises that the garden has been cultivated for potatoes in past years which would almost certainly have destroyed any evidence of paths and other garden structures.
- 5.10 The proposal would result in change to the heritage asset. The restoration of the walls and the buildings attached to the walls would be a significant benefit to this scheme, as would the removal of lean-to greenhouses with plastic sheet roofs. Conditions to require a programme for the implementation of the repairs to the walled garden and formal landscaping within it would be important to ensure that the benefits are realised.
- 5.11 The creation of an entrance to provide access to car parking would cause harm through the loss of fabric and the disruption of the symmetrical layout in which main openings are centrally positioned in the north, east and west walls, with two smaller openings either side of the temple that occupies the central position in the southern wall. Furthermore, the creation of car parking within the walled garden reduces the scope of the formal landscaping, although it should be noted that this is more a matter of reducing a gain than introducing major harm. The creation of the access track and the loss of a tree also have negative impacts, albeit limited. However, the agent advises that the entrance is needed in order to allow equipment for wedding ceremonies to be brought into the walled garden; this is a necessary part of the proposed use and it creates the opportunity for car parking to be provided. The alternative would be to create a car park outside the walled garden but this would affect its setting in public views and, depending on the precise location, could necessitate further tree loss.
- 5.12 Taking all of the foregoing into account and subject to appropriate conditions, it is considered that the benefits of the proposal outweigh the less than substantial harm it would cause to heritage assets. The harm is unlikely to be perceived from the Conservation Area generally and overall would ensure the preservation of the listed building.

Neighbour amenity

- 5.13 The LDF requires at policy CP1 that proposals that protect and enhance social well-being and amenity of the population will be supported, and at DP1 that all proposals must adequately protect amenity.
- 5.14 Concern is raised in the advice of the Environmental Health Officer that unlimited or unrestricted use of the site would have the potential to cause a significant impact upon nearby residential occupiers. This concern acknowledges that with further information there may be scope to limit the impacts by the use of planning conditions. Additional information has been supplied that limits the number of events to be held annually and that provides clarity over the type and location of equipment (such as power generation) that could cause disturbance to neighbours. The proximity of the nearest neighbours remains a concern and due to the limitations available to the applicants on suitable points of access to the walled gardens remains unchanged.
- 5.15 The nearest noise sensitive receptor is Gardeners Cottage, 24m from the proposed new opening in the wall and 13m from the upgraded access. The next nearest residence is The Bothy, built abutting the walled garden, The Bothy is within the same ownership as the walled garden. Helperby Manor is 200m east of the site and another dwelling, Pheasants Walk, 380m to the east. To the north at 270m lies Blackthorn House and at 310m lies Helperby Hall. Beyond Blackthorn House and Helperby Hall is the village of Helperby with many dwellings close to the Main Street.

Potential adverse impacts	Additional information	Control measure	Detailed condition or scheme to be supplied
Noise arising from the movements of vehicles associated with the preparation for events	Information has been supplied of the number of events and size and duration of events	Planning condition	Scheme to be supplied for approval
Noise arising from the movement of vehicles of guests	Information has been supplied of the number of events and size and duration of events	Planning condition	Scheme to be supplied for approval
Noise from power generation equipment	Location and type of electrical power generator	Planning condition and Environmental Health controls	Detailed planning condition
Noise from users and sound equipment during events	Information has been supplied of the number of events and size and duration of events	Planning condition and controls by Environmental Health and licensing	Scheme to be supplied for approval

- 5.16 The scheme details show locations for a marquee towards the south west corner and a larger marquee towards the north west of the walled garden. The lightweight fabric of marquees has been noted to give no significant attenuation of noise, although the garden walls will have some effect. The potential for disturbance to neighbours during events is such that controls would be required to prevent harm due to noise. The close proximity of the walled garden entrance to Gardeners Cottage provides a high likelihood that activity would impact upon occupiers of that property during events if noise levels were high and after events as visitors and vehicles leave the site.

- 5.17 The use of planning conditions and the other controls available, as noted in the table, would limit the impact upon neighbours. A balanced judgement is required by the policies of the Development Plan, in this case it considered that subject to the use of planning conditions the potential adverse effects identified above could be controlled and the level of harm to the amenity of neighbours mitigated sufficiently.

Highway safety

- 5.18 LDF Policies CP1, CP2, DP3 and DP4 all relate to the provision of appropriate and safe accesses to developments. The upgrade of the proposed access from the highway to the site is designed to the required standard and the Highway Authority recommends that the access be constructed to the appropriate standard but otherwise raises no concerns regarding the vehicular access. The proposal therefore meets the policy requirements in respect of a suitable safe vehicular access.
- 5.19 In view of the location of the site remote from large centres of population and significant public transport connections it is highly likely that the users of the site would be dependent upon the private car. There is no designated pedestrian access from the site to the village nor is there a hard surfaced footway along the roadside verge, however there is potential for the grass to be mown to create an informal route for pedestrians. The agent confirms that provision of an improved footway link is not proposed and they do not wish visitors to wander out on the road and consider that it is very unlikely people will arrive or depart from the venue on foot. The road is considered sufficiently quiet, direct and free from hazards to make the route viable for members of staff to cycle from Helperby and further afield.
- 5.20 The Parish Council's concerns about traffic generation are noted; however, taking account of the Highway Authority's advice it is considered that the local road network can accommodate the activity associated with events. It is noted that the site lies to the south of the village and therefore a proportion of visitors will not need to go through the village.

Economic impact

- 5.21 While LDF Policies seek to support developments that contribute to the economy and policy CP15 encourages development that would support the economic needs of rural communities, none of the circumstances where support will be given relate to the creation of a new business through reuse of a heritage asset. Nonetheless, policy DP25 allows for employment development outside of Development Limits provided that all of its five criteria are met and is broadly in accordance with the approach taken at paragraph 28 of the NPPF. In summary, the five criteria require that this development:
- i Is small in scale;
 - ii Comprises conversion and re-use or replacement of rural buildings of sound construction;
 - iii Is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;
 - iv Is supported by an appropriate business case which demonstrates support to the local economy, which would help sustain rural communities; and
 - v It would not adversely impact on the economy of the Service Centres.
- 5.22 Subject to planning conditions necessary to address the amenity impacts the level of use of the site would be considered to be small scale and would meet the first criterion.
- 5.23 In terms of the second criterion, the development is mainly the re-use of land and does not involve (or requires) the re-use of buildings that are features of the walled

garden, in this case the temple on the south wall. The buildings are however physically a very small part of the scheme, albeit important, to allow a registrar to undertake weddings because of the legal requirement that part of a ceremony must take place within a permanent, immovable structure with a fixed roof and solid floor capable of offering cover to the couple, two registrars and both witnesses.

- 5.24 Whilst weddings and other events are held at locations within Development Limits, they are increasingly held in historic and rural settings, largely due to liberalisation of the law affecting where civil weddings may be held in 2005. It is not considered that the full implications of how this has changed the ways and places in which weddings are held would have been known when the policy DP25 was being drafted and therefore it is not felt that strict adherence to this criterion should be insisted on in respect of this proposal.
- 5.25 The fourth criterion requires an appropriate business case to be provided which demonstrates the support that will be provided to the local economy which in turn would help sustain rural communities. A business case has been prepared by the agent, which attempts to identify the aspects of the business that will result in the purchase of additional services from other businesses in the locality and the value of these transactions. It identifies that the business would be expected to generate 1.25 FTE jobs in the direct employment of the estate and that up to 35 jobs would be supported, through functions such as wedding florists, photographers, event coordination and catering (but not directly created). The business case also provides a summary of those aspects of the proposed enterprise that will support businesses (such as transport, wedding outfits, cake and stationery) but that may be less likely to result in local employment.
- 5.26 The fifth and final criterion is that the development would not adversely impact on the economy of the Service Centres. As noted in the assessment of the third criterion, the proposal differs from the offer available in the Service Centres. The use of a heritage asset to provide a mainly outdoor function space in a rural location is not unique but the nearby Service Centres of Easingwold and Thirsk do not provide such facilities. There is no evidence to suggest that the approval of an additional venue at Helperby would have any material adverse impact upon the economy of any of the Service Centres.
- 5.27 It is considered that the scheme would provide a significant benefit to the local economy and is compliant with the policies of the LDF in this respect.

Wildlife

- 5.28 There is potential for the walled garden to provide a habitat for protected species, such as bats and nesting birds. Precautions will be required to avoid harm to wildlife protected by the Wildlife and Countryside Act 1981. An informative can be applied to ensure the applicant is made aware of their obligations in this regard.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 HU-RJH-MS-570-16 02, 03, 10B and 11B, A2016001 revised and un-numbered plan "proposed highway entrance to wall

garden”; received by Hambleton District Council on 5, 14 and 25 October 2016 and 26 June 2017; unless otherwise approved in writing by the Local Planning Authority.

3. 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 have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (c) The existing access shall be improved by providing 6 metre radius kerbs, to give a minimum carriageway width of 4 metres, and that part of the access road extending 8 metres into the site shall be constructed in accordance with Standard Detail number E7; and (g) Provision to prevent surface water from the site discharging onto the existing highway shall be constructed in accordance with the approved details shown on drawing "Proposed Highway Entrance to Wall Garden" and maintained thereafter to prevent such discharges. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. 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 HU-RJH-MS-570-16-10 B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. No other parking, manoeuvring and turning areas shall be created without the prior written approval of the Local Planning Authority.
5. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 consultation with the Highway Authority agrees in writing to their withdrawal.
6. No development shall commence until a scheme for the repair and restoration of the walls and corner buildings of the walled garden has been submitted to and approved in writing by the Local Planning Authority. The approved repair and restoration shall be carried out prior to the use hereby permitted commencing.
7. The external surfaces of the development, including the surface of the access track and all surfacing within the walled garden shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
8. No development shall commence until details of the hard and soft landscaping of the walled garden in conformity with drawing A2016001 revised, including lighting and the location of marquees, have been submitted to and approved in writing by the Local Planning Authority and the use shall not commence until the approved details have been implemented in full. 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.
9. No generators shall be installed other than in full accordance with details, including siting and acoustic performance, that have been submitted to and approved in writing by the Local Planning Authority.

10. Events shall only be held in accordance with the following details. Between 1 March and 31 October no more than 45 events shall finish after 8pm and all music and amplified noise for those 45 events shall cease by 11.45pm. No more than 10 events shall be held between 1 November and 28 February and all music and amplified noise for those 10 events shall cease by 11.45pm.
11. No demolition/development shall take place/commence until a Written Scheme of 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: (i) The programme and methodology of site investigation and recording; (ii) Community involvement and/or outreach proposals; (iii) The programme for post investigation assessment; (iv) Provision to be made for analysis of the site investigation and recording; (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation. 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 approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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, CP15, CP16, CP17, DP1, DP9, DP25, DP28, DP29, DP30, DP32 and DP33.
3. In accordance with Policy 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.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In order to achieve the identified heritage benefits of the development in accordance with Hambleton Local Development Framework policies CP16, CP17, DP28, DP32 and DP33.
7. In order to ensure that only materials appropriate to the setting of the listed building and the site's location within the Helperby Conservation Area are used.
8. In order to achieve the identified heritage benefits of the development in accordance with Hambleton Local Development Framework policies CP16 and 17 and DP28 and 32.

9. In order to avoid any loss of residential amenity and to avoid unacceptable harm to heritage assets in accordance with Hambleton Local Development Framework policies CP1, CP16, DP1 and DP28.
10. In order to avoid any loss of residential amenity in accordance with Hambleton Local Development Framework policies CP1 and DP1.
11. In accordance with Hambleton Local Development Framework policies CP1 and DP 29 and section 12 of the National Planning Policy Framework.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Parish: Burneston
Ward: Bedale
5

Committee date: 17 August 2017
Officer dealing: Mrs H Laws
Target date: 21 August 2017

17/01383/FUL

Construction of three dwellings

At: Land east of Mustard Field House, Church Wynd, Burneston

For: Mr D Blythman

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the south eastern edge of Burneston and on the southern side of Church Wynd. Mustard Field House is the last property on the edge of the village on the southern side of Church Wynd and the application site forms the agricultural field beyond, extending to approximately 0.2 hectares in size. The site is bounded on the roadside by a low wall covered in ivy and a slightly raised highway verge. The boundary wall of the neighbouring house, with hedgerow above, bounds the site to the west; the southern boundary is formed by a hedgerow. The eastern boundary of the application site is formed by a hedgerow.
- 1.2 Agricultural land lies to the south and east. The site has a frontage onto the village street of approximately 46m and a depth of approximately 65m.
- 1.3 It is proposed to construct three detached dwellings on the plot one 3 bedroom house and two 4 bedroom houses. Two new accesses are proposed, one of which would serve two of the dwellings. The scheme includes the formation of a 2m wide footway along the front of the site.
- 1.4 The size of the L-shaped footprint of the dwellings is identical; one of the dwellings has a single storey rear offshoot, the remaining two dwellings have two storey rear offshoots. These dwellings have four bedrooms; the smaller one has three bedrooms. All of the dwellings have detached garages.
- 1.5 The dwellings are similarly designed double fronted properties, one of which would have bay windows. Plot 1 would be finished in brickwork and slate; Plot 2 in painted render with a slate roof; and Plot 3 finished in brickwork with a clay pantiled roof.
- 1.6 The existing hedgerows would be retained and any gaps filled; the existing trees along the southern boundary would be retained. A landscaping scheme is proposed, which proposes new hedgerow planting between the rear gardens of the dwellings.
- 1.7 The application site lies outside of, but immediately adjacent to, the Burneston Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02497/FUL – Outline application for the construction of a dwelling with some matters reserved (includes access and layout). This application related to a third of the current application site; Granted 8 February 2016.

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 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 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 – The Council wish to object to the building of three houses as it is too many for the site and only one access point. The Parish Council would also like to see the boundary wall moved back six metres from the kerb edge.
- 4.2 Highway Authority – Following receipt of amended plans illustrating the visibility splays there are no objections subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Public comments - one comment has been received from a nearby resident, not objecting to the houses but raising the possibility of damage to a nearby building during construction and asking whether the Council would be liable.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the design of the dwellings; (iv) the impact on the amenity of neighbouring occupiers; (v) highway safety; and (vi) developer contributions.

Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Burneston, 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 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.

- 5.4 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.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Burneston 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 walking distance of the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The scheme is for three dwellings, which is considered to be a small scale development within the village of Burneston.
- 5.6 The proposed dwellings would be on undeveloped agricultural land that lies at the end of the row of residential properties on the southern side of Church Wynd. 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."
- 5.7 The proposed development would extend the built part of Burneston further along the southern side of Church Wynd and is therefore a form of ribbon development. The application site is undeveloped and clearly forms part of the countryside rather than the built form of the village. The boundary between Mustard Field House and the application site is well established with a wall and hedgerow providing a fixed boundary to the end of the village but it lies immediately adjacent to the village and is opposite dwellings on Church Wynd and therefore has a close relationship to the built form of the village. The northern side of Church Wynd extends much further to the east than the southern side of the road but that does not necessarily mean that it

would be appropriate to develop the entire frontage along the southern side of the road.

- 5.8 The application site, when viewed from the approach to the village from the east, would be viewed against the backdrop of the existing village, which would help to reduce the prominence of the site. As such it is considered that there would be no harmful impact to the natural, built and historic environment. It is noted that the Parish Council considers 3 units to be too many in this location. However, three units are not considered to be harmful to the overall character or appearance of the village.

Design

- 5.9 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."
- 5.10 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.
- 5.11 The National Planning Policy Framework 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.
- 5.12 The submitted Design Assessment describes the character of the surrounding area as predominantly Victorian and explains that the proposed design was selected to reflect this characteristic and the appearance particularly of Mustard Field House on the adjacent plot.
- 5.13 The proposed dwellings are a traditional style with steeply pitched gabled roofs with brick headers and other brick detailing. Many dwellings within Church Wynd are of a simple flat fronted design finished mostly in brick but with examples of rendered properties including the existing dwelling at Mustard Field House and the neighbouring dwelling to the south west. The proposed dwelling would be similar in style and materials and would not detract from the character and appearance of the streetscene. The proposal is in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.14 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 dwellings follow the general building line of the dwellings along this section of The Wynd and also reflect the spacing between many of the detached dwellings. It is considered that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1.
- 5.15 With regard to the comments of the neighbouring resident, the Council would not be liable for any damage caused. The dwelling lies on the opposite side of The Wynd, which is an adopted highway maintained at public expense.

Highway safety

- 5.16 The Highway Authority has no objections regarding the proposed development and the use of the existing access and the creation of a new access from The Wynd. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

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. 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.
 3. 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.
 4. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the boundary details and landscaping scheme shown on the Landscape Layout drawing number HDC/3099/L.01A received by Hambleton District Council on 7 August 2017 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. 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.
 6. 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 accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail Number E6; and (e) Any gates or barriers 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.
 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 splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2 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.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until: (i) details of a positive system of highway drainage along the frontage of the site have been submitted to and approved in writing by the Local Planning Authority; and (ii) a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: (a) have been constructed in accordance with the submitted drawing Reference Number HDC 3099/L.01A; (b) have been constructed in accordance with Standard Detail Number E6; and (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.
10. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
11. 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.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.
13. 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.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3099/L.01A; 02A; 03; 04; 05; 06; 07; 08 received by Hambleton District Council on 28 June and 4 and 7 August 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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
6. 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.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
8. In accordance with LDF Policies CP2 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 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.
10. 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.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
13. In accordance with policy # 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.
14. 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.

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

15/02666/FUL

**Construction of an agricultural storage building
at Longbridge House Farm, Stillington Road, Easingwold
for Mrs Jane Grant**

This application was deferred by Committee on 26 May 2016 and again on 10 November 2016 so that officers could (i) investigate alternative siting of the proposed building; (ii) obtain further information on the agricultural justification for the proposed building; and (iii) investigate and obtain further information and advice on the storage of chemicals and fertilisers on the site, then further to (iv) establish the ownership of and rights to use land shown to be under a farming contract.

The applicant has lodged a non-determination appeal and the application will therefore be decided by the Planning Inspectorate and not the Council. The matter is therefore presented to the Committee at this time to determine the Council's response to the appeal.

Committee members inspected the site on 23 May 2016.

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is south of Stillington Road opposite Easingwold Football Club and to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oaklands Way housing development to the west (Hurns Way) is visible from the site which is generally open in nature with a line of trees on the west boundary.
- 1.2 The site is outside the Development Limits of Easingwold. The Development Limits follow the boundary of the Fire Station and Training Centre and the Leasmires Beck to the west of the site.
- 1.3 The application proposes a new agricultural building measuring 54.8m by 30.4m and 13.8m to the ridge in the south western part of the site. The building would be of portal frame construction in a mixture of concrete grain panels on lower walls and profile sheeting to the upper walls and roof.
- 1.4 The applicant has stated that she needs this building because she has taken on tenancies to farm 712 acres comprising 304 acres at New Manor Farm, Carlton Husthwaite, farmed under contract, and 408 acres at Woodhouse Farm, Rufforth that is rented. These areas are about 7 miles (11km) and 14.0 miles (23km) from the application site respectively. The Planning Supporting Statement of November 2015 stated "pressure for additional storage has been further compounded by the applicants recently increasing the area they farm by some 420 acres", although it was not indicated where those 420 acres were.
- 1.5 The applicant advises that these two sites allow her to significantly increase the scale of her arable operations on good quality land that enables a variety of commercial crops to be grown. She indicates this is focused on cereal production but can include a variety of root or feed crops as market opportunities emerge.

- 1.6 The applicant states that neither of the contract or rental agreements includes the use of any buildings or covered storage on the farms in question, so this generates a need to develop the storage capacity at Longbridge House Farm. She also advises that the additional land at Carlton Husthwaite and Rufforth is farmed primarily by existing staff deployed to sites as operations require and may provide opportunities for employment growth.
- 1.7 The applicant confirms that the distance of the two parcels of land from Longbridge House is not considered to be unreasonable given the transport related activities of her business collective, and the majority of the movements can be dealt with by her own transport making the transport operations both viable and functionally efficient.
- 1.8 The applicant confirms that there will be no grain drying plant in the building.
- 1.9 As noted above, consideration of the application has been deferred twice so that officers could (i) investigate alternative siting of the proposed building; (ii) obtain further information on the agricultural justification for the proposed building; and (iii) investigate and obtain further information and advice on the storage of chemicals and fertilisers on the site, then further to (iv) establish the ownership of and rights to use land shown to be under a farming contract.

Alternative siting

- 1.10 The applicant has investigated this; however due to a nearby silo and waste operations which have bays on the southern boundary the relocation of the building is not possible. The applicant has also investigated turning the building through 90 degrees to increase the separation from residential properties to the west but this would not be possible without increasing the height of the building.

Agricultural justification

- 1.11 The applicant states she is an established farmer with significant holdings in her own right and she is also an agricultural contractor with significant commitments in terms of plant, equipment and manpower that must be kept utilised if the business is to remain viable and the latest machinery purchased. She advises that this building, and the availability of additional farm storage capacity, is integral to that business plan.
- 1.12 The update paper to the May 2016 meeting conveyed the applicant's advice that contracts had been entered into for the areas of land at Carlton Husthwaite and Rufforth. The applicant confirmed that these two agreements did not supplant the existing farmers, but were agreements to contract a part of the land/produce for which they are responsible. Copies of the contracts had not been submitted so the advice was taken in good faith.
- 1.13 Following the May 2016 deferral two unsigned contracts were supplied in August 2016. One gave a term date from 6 October 2015 to 5 October 2020, the other gave an end date of 30 March 2017 with options for annual extension. The applicant's agent subsequently confirmed by letter dated 8 September 2016 that the contracts had not been concluded and the tenancies had yet to start. These incomplete and unsigned documents were not considered to be contracts and therefore the position reported in May 2016 was incorrect. However, the applicant has confirmed in writing that she could submit signed contracts prior to the determination of the application.
- 1.14 It is of note that this information confirms that the 304 acres at Carlton Husthwaite is in fact made up of three parcels at Raskelf, Sessay and Oulston.
- 1.15 The question about ownership of land shown to be under a farming contract and rights to use arose when the application was deferred for the second time in

December 2016. It relates to the land at Oulston which is owned by Newburgh Priory Estate. Officers have sought advice from the Priory Estate on the matter.

- 1.16 This issue is considered in greater depth in section 5 below.

Storage of chemicals and fertilisers

- 1.17 The storage of chemicals is a carefully monitored position with 63 chemicals listed within the Regulations. The planning system only exercises control over the storage of specific substances if they are of the type and in the quantities set out in the Planning (Hazardous Substances) Regulations 2015. For simple ammonium nitrate based fertilisers which conform with the requirements of the Fertilisers Regulations 1991 and composite fertilisers in which the nitrogen content as a result of the ammonium nitrate is more than 28 per cent, the threshold at which Hazardous Substance Consent will be required is 1,000 tonnes. It is not expected that such quantities would be stored in the proposed building.
- 1.18 The May 2016 update paper also included information that grain would only be a part of the use of the building and that no grain drying equipment would be installed. The applicant stated the building would be used for storage and deployment of farm machinery, the collection and storage of produce (this would vary from year to year, season to season and subject to opportunities and fluctuations in demand), the storage of legitimate agricultural feedstuffs, fertilizers, sprays, chemicals and seed. Specific agricultural needs will inevitably vary from time to time, one such example being a recent demand for dry straw storage which could not be accommodated and which this application seeks to provide.
- 1.19 The applicant continues to indicate that she would accept the conditions outlined in the previous reports, specifically: (i) precluding drying or mechanical ventilation in the building; (ii) limiting its use to the storage of agricultural produce, consumables and machinery; and (iii) the reinforcement of the landscape boundary to the west of the
- 1.20 The applicant submitted further detailed information in August 2016 as follows:
- The adequate provision of infrastructure and storage space will allow the business to grow with the lack of space currently being prohibitive in the signing of additional land and contracts;
 - The existing buildings on site have become redundant for agricultural purposes, mainly because of size, location and access constraints and as a result have been subject of subsequent approvals for alternative use. This is not however indicative of a lack of farming need on the site;
 - The additional building will result in increased employment and investment;
 - The building is not intended as a granary, there are no facilities for drying grain and the building is not mechanically ventilated or heated. The applicant indicates that a condition preventing the installation of such machinery would be accepted.
 - The purpose of inclusion of grain on the list of produce is that it may be stored in the building. The type of grain is clarified with the grain stored will be treated with Propcorn NC if necessary and in accordance with manufacturers instruction on application rates and preservation times;
 - The ability to store produce (specifically straw) at Longbridge in quantity allows the applicant to take advantage of best market conditions for sale without significant quantities being lost due to weather damage, in particular, which is uneconomic and unsustainable;
 - The applicant has supplied information as to their business which has been operating since 1965 (initially as a sole trader), then as Whitkirk Farm Produce from 1975 and as Grants Pro Agri. since 2008. The applicant's land agent (Brian Bartle) has also written in support of the application;

- Details of landholdings for the applicant and land under contract offer have been supplied alongside letters from the farmers themselves;
- The applicant has not supplied commercial detail of the agreements but can confirm that there would be a 3 or 5 year 'Farm Business Tenancy Agreement'. This would transfer for the period of the tenancy full 'farming rights' to cultivate and lift crops and to derive any payment or entitlements for the land. The only constraint in the contract being that good husbandry principles are to be applied;
- The applicant has supplemented the need discussion further by indicating the land under contract would have the potential to supply approximately 7,400 bales ('Mini Heston') over the course of the season which require dry storage and some 1,220 tonnes of corn with the potential for Barley and Wheat also capable of being farmed;
- Fertilisers will be stored in accordance with Fertilisers Regulations 1991 and the HSE permit regulations;
- The applicant also highlights that the proposed shed is some distance from residential properties on Hurns Way, the existing tree belt is substantial and could be added to if desired;
- The existing tree belt is over 150m long and 30m wide and was planted 4-5 years ago with trees of a mix of semi-mature and younger stock which will grow higher over time. The trees include Oak, Birch, Alder, Beech, Wild Cherry and Pine. There is also potential to increase and supplement hedgerow planting; and
- There are functional and operational benefits from the proposed layout in that the access to the shed is currently from the east elevation and the existing yard. There would be constraints on the door size, accessibility and tipping space making the building less functional if handed. The tipping trailer needs a height of 11m for tipping and the proposed height of the building (at 13.8m) is necessary.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station and training centre. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused).
- 2.2 97/50445/O - Outline application for a dwellinghouse; Refused 3 March 1998.
- 2.3 97/50446/O - Outline application for an agricultural building for the accommodation of livestock; Granted 12 September 1997.
- 2.4 98/50376/P, 98/50377/P and 98/50378/P – Three agricultural buildings for the accommodation of livestock; all Granted 28 September 1998.
- 2.5 98/50379/P - Agricultural building for the accommodation of livestock; Granted 18 December 1998.
- 2.6 00/50427/P and 00/50428/P – Two agricultural buildings for storage purposes; both Granted 27 April 2000.
- 2.7 02/00500/FUL - General purpose agricultural building for storage of feed and machinery (including weighbridge); Granted 29 April 2002.
- 2.8 03/00097/FUL - Agricultural building for storage and machinery repair purposes - Granted 21 March 2003.
- 2.9 03/01614/FUL - Retrospective application for entrance walling at front of site; Granted 16 October 2003.

- 2.10 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.
- 2.11 04/02303/FUL - Installation of liquid waste storage tank; Refused 31 May 2005.
- 2.12 05/01700/FUL - Change of use of two agricultural buildings to general storage; Granted 26 September 2005.
- 2.13 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006.
- 2.14 06/00425/FUL - Two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.15 06/02583/FUL - Alterations and change of use of an agricultural building to form a storage and office building; Granted 10 January 2007.
- 2.16 07/00292/FUL - Revised application for a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.17 07/01128/APN - Application for prior notification of an agricultural building for the storage of agricultural machinery; Refused 3 May 2007. This proposal was on the York Road frontage, away from the main agricultural yard, and was refused because the proposed size and siting of the building was considered to have a significant adverse impact upon the appearance of the surrounding countryside.
- 2.18 07/02214/FUL - Change of use of agricultural land to the siting of six residential caravans to be used as agricultural workers dwelling; Refused 13 September 2007.
- 2.19 08/00838/FUL - Revised application for change of use of agricultural land to the siting of six residential caravans; Refused 23 May 2008. The caravans were proposed to be located in the same position as the building now proposed.
- 2.20 08/00857/FUL - Revised application for a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.21 10/01634/FUL - General purpose farm building; Granted 8 December 2010.
- 2.22 10/02960/FUL - First floor extension to office building; Withdrawn 10 February 2011.
- 2.23 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building; Refused 2 June 2016.
- 2.24 16/02053/FUL – Revised application for the continued use of land and buildings for MOT and car sales (including retention of an office building); Granted 11 November 2016.

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 CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies 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 DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP42 - Hazardous and environmentally sensitive operations
 Development Policies DP44 - Very noisy activities
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council - Wish to see approved for agricultural storage only and not to be used as part of any waste management activities.
- 4.2 Highway Authority - No objection.
- 4.3 Environmental Health Officer - No objection; conditions relating to external lighting, prohibiting mechanical extraction or drying equipment and preventing the building from being used to store farm or other waste are recommended.
- 4.4 Public comment - four objections from residents of the nearby residential development raising the following grounds:
 - Residents already suffer from noise and smells from current farm use, an additional building and increased activity would be unbearable;
 - The building should not be so close to neighbours properties; the applicant has other land at their disposal;
 - It was understood that the land would not be built on when property was purchased;
 - Large flood lights operating through the night;
 - An addition of further tree planting to screen the building would be welcomed;
 - Questions about the size and scale of the building;
 - The development would bring disturbances closer to housing and so make them worse;
 - The building will overshadow houses and gardens and potentially cut out sunlight; and
 - It will create a poor view from the rear and affect the re-sale value of property.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location, including agricultural need; (ii) the impact on the character and appearance of the area; (iii) the impact on neighbour amenity; and (iv) the impact on highway safety.

Principle of development

- 5.2 As indicated in section 2, the site has a complex and long planning history with a range of non-agricultural uses approved. However the key issue with the current application is whether an exception to the strict control of development beyond

Development Limits can be applied. In the case of proposed agricultural buildings, criterion i of Core Policy CP4 provides an exemption where the building is “necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy”.

- 5.3 Compliance with this criterion of policy CP4 is not achieved by virtue of the building being intended for agricultural use but because there is an agricultural need for it, so it is reasonable to test the evidence relating to the stated agricultural activity.
- 5.4 As indicated in section 1, there was initially limited evidence relating to the applicant’s claim to have tenancies of 712 acres (304 acres at New Manor Farm, Carlton Husthwaite and 408 acres at Woodhouse Farm, Rufforth) that, in their view, made the building necessary and that evidence was taken in good faith in the advice given by officers in May 2016.
- 5.5 When documentary evidence was submitted in August 2016 it was in the form of contracts had not been signed and which contained errors suggesting they would not be signed in that state. The agent subsequently confirmed in September 2016 that the contracts had not been concluded and the tenancies had yet to start.
- 5.6 Signed copies of contracts dated 7 November 2016 were then submitted and in order to provide the Committee with appropriate assurance, officers sought to verify the facts. In doing so they carried out reasonable due diligence tests and found that a proportion of the land at Oulston is not owned by the parties to the contracts but by Newburgh Priory Estate. The agent advises that the Estate’s arrangement with the tenant farmer who signed the contract with the applicant allows him to enter that contract but despite repeated requests the Estate has not provided confirmation.
- 5.7 Officers have also sought further explanation from the agent in respect of their statement that (in November 2015) “pressure for additional storage has been further compounded by the applicants recently increasing the area they farm by some 420 acres”. Officers noted that two parcels of 304 acres and 408 acres had been identified elsewhere in the application and shared their assumption that it was the 408 acres at Rufforth with the agent, which would mean the applicant was farming that land a year before they had a contract to do so and has continued to do so without the benefit of the building the subject of this application. Officers asked the agent to advise, if that assumption was correct, where the applicant has stored the plant and equipment necessary to farm the land and where they have stored the produce they took from it. No answer has been received.
- 5.8 Concern has also been expressed that the 408 acres of land at Rufforth indicated to be farmed under contract is unsuitable for the production of the types of crops indicated in the application. The land is understood to be grazing land, not currently in arable cultivation. No evidence is available on this point.
- 5.9 Policy CP4, criterion I, also refers to supporting a sustainable rural economy and the economic benefits that the new building would create have therefore been given closer consideration. The application form does not state the existing number of employees but does say that the building would allow two full time equivalent jobs to be created. The agent was asked to confirm existing employee numbers and whether any of the jobs growth has already occurred as a result of farming the additional 420 acres mentioned above. No answer has been received.
- 5.10 In the absence of a demonstrated agricultural need, approval of the application would be contrary to Policy CP4. Where there is doubt relating to the need then it is appropriate to seek further information; this was done and the applicant has provided some further information, as set out earlier, although not all that was requested.

However the evidence submitted does not demonstrate an agricultural need, as CP4i requires, but explains that a lack of suitable buildings may prevent the expansion of the business. It should be noted that previous applications to locate buildings elsewhere in the enterprise have been resisted due to their remoteness and impact on the open countryside. Locating the buildings together has a practicality and there is an existing office building and other buildings that could be co-joined together.

- 5.11 It has also been noted that part of the Carlton Husthwaite land, the parcel at Raskelf, appears to include a range of modern agricultural buildings. The agent was asked to clarify why those buildings are not available to the applicant for the purposes of agricultural storage detailed in the application. The agent has replied that the relationship of the buildings to the contract land is purely coincidental and that their availability and suitability have not been assessed. Whilst it is understood that the buildings have not formed part of any contract offer or potential option to the applicant, it is less clear why the applicant has not considered the possibility.
- 5.12 Government policy, in the NPPF at paragraph 28, extends general support for the expansion of all types of business in rural areas. As noted above LDF Policy CP4 supports new agricultural development where it is necessary to meet the needs of farming and will help to support a sustainable rural economy. The evidence supplied shows a desire to expand the farming business but in view of the areas of doubt relating to the suitability of the land at Rufforth, the applicants right to farm the land at Oulston and the apparently unexplored opportunities of existing buildings at Longbridge Farm and near Raskelf it is considered that the proposal has not shown that the proposed building is necessary. The proposal is therefore considered contrary to Development Plan policy and it is not considered that the general support provided by the NPPF alone justifies the grant of planning permission.

The Character and Appearance of the area

- 5.13 It is noted that the proposed building would be large and designed to meet the needs of a modern agricultural enterprise. There are also HGV movements on the site and commercial activity occurring relating to the approved waste operations. The proposed building would be designed in a manner akin to the neighbouring building which measures 30.5m x 36.6m with a height to the ridge of 11.9m and was approved as a general purpose farm building under planning reference 10/01634/FUL.
- 5.14 The building would be similar in character to other agricultural buildings and the scale and size would allow for operations, such as the delivery of goods by trailer to take place within the building.
- 5.15 The building would be located on an otherwise open field which is currently grassland bringing the group of buildings closer to the properties on Hurns Way. However, it would be viewed from the countryside against the existing industrial estate and fire station and would effectively infill the land between existing operations and the housing estate whilst leaving a gap of approximately 50m to the boundary of the site, and approximately 70m residential properties. Additional tree planting would assist the development assimilating into the area. The existing trees on the boundary with the Hurns Way estate along Leasmires Beck are the subject of a Tree Preservation Order 12/00001/TPO. This existing young tree belt provides a significant visual break between the residential Hurns Way and the countryside and application site beyond.
- 5.16 Overall the scale and character of the building are similar to the existing agricultural and commercial operations on the site and the neighbouring industrial estate and it is

therefore considered that the building would not to cause significant demonstrable harm to the character or appearance of the area.

Neighbour amenity

- 5.17 Environmental Health Officers note that this application is for an additional building on an existing operation and comment that depending on use, agricultural buildings do have the potential to be a focus for activities which may adversely affect the amenity of neighbours. The particular use of the building proposed in this application is not clearly specified. The application supporting information states that the vehicular access doors are to be in the east gable facing away from the adjacent housing estate. This would allow the building envelope to provide some attenuation whilst the building is being accessed. However, as no acoustic details have been provided it is not clear how much attenuation the building envelope will provide.
- 5.18 Further, should this building need to be accessed before 7am or after 11pm, times when neighbouring residents might be expected to be asleep or preparing for sleep, there may be an impact on amenity. There are no such limitations on the nearest building within the site (a general purpose farm building approved under 10/01634/FUL) but restrictions on open storage and operating hours do exist on the general storage (Class B8) use of two buildings (which are further away) approved under 05/01700/FUL. It is also noted that the building approved under 10/1634/FUL has an opening fronting the residential properties and therefore a building in front of this could provide some noise attenuation and potential enhancement of residential amenity.
- 5.19 Grain storage is stated to only be a part of the use of the building; the building could also be used for storage and deployment of farm machinery, the collection and storage of produce, feedstuffs, fertilizers/sprays/chemicals and seed, all of which are legitimate agricultural products and consumables.
- 5.20 The applicant indicates that they would accept conditions to:
- Preclude drying and mechanical ventilation in the building;
 - Limit its use to storage of agricultural produce, consumables and machinery; and
 - Reinforce the landscape boundary to the west of the building.
- 5.21 As previously stated, the nearest properties on Hurns Way are approximately 70m from the site of the proposed building, allowing alleviation from the activity. It is noted that existing activity is approximately 156m from residential properties. It would therefore be appropriate to restrict open storage on the site and operating hours within the building by condition if permission were to be granted. Similarly, noise attenuation to the building could be secured by condition.
- 5.22 Due to the distance from residential properties, the proposal would not result in the loss of light or overshadow residential properties. It is noted that there are some floodlights on the existing buildings but there are also significant floodlights to the Fire Station. To guard against light pollution a condition could be applied to require approval for external lighting if permission is granted.
- 5.23 The proposal is therefore considered not to have a material adverse impact on residential amenity.

Highway safety

- 5.24 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The Highway Authority's

comments are noted and considered. Further it is noted that there would be no significant impact on the ability of HGVs to turn and manoeuvre within the site so that they can exit from the site in a forward gear through the barrier controlled entrance. Therefore it is considered that there would be no significant or material harm to the highway network.

The planning balance

- 5.25 The proposal has been the subject of extensive scrutiny, the additional supporting information provided by the applicant's agent has not shown that the building is required to meet the needs of farming and despite the findings that the scheme would not cause significant harm to the character or the area, amenity of neighbours or highway safety, the scheme is contrary to the LDF Policy CP4 and is recommended for refusal.

6.0 RECOMMENDATION

- 6.1 That the stance taken by the Council in the non-determination appeal proceedings is that the appeal should be **DISMISSED** as the development is contrary to Development Plan policy for the following reason:
1. The proposal is contrary to Local Development Framework Policy CP4 as the site is outside the Development Limits of Easingwold and the scheme has not been shown to be necessary to meet the needs of farming.

Parish: Flawith
Ward: Easingwold

Committee date: 17 August 2017
Officer dealing: Laura Chambers

7

17/00383/FUL

**Construction of a dwelling
At The Cottage, Flawith
For Mr E Moorey**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The Cottage is located on the southwest side of the main street through the village of Flawith, which is categorised as an Other Settlement within the current Settlement Hierarchy. The site was occupied by a two-storey dwelling fronting the highway but the first floor collapsed, leaving the ground floor of the property derelict on site.
- 1.2 Flawith is a small linear village with limited services; however it is in close proximity to Tholthorpe to the north and Alne to the east which offer a greater range of services. The village has a predominantly residential character with a small number of farm buildings, some of which have been converted to dwellings.
- 1.3 Permission is sought for a two-storey dwelling of brick and clay pantile construction with a dual pitched roof, gabled to the front and rear. The proposed front elevation is simple with three windows, while the rear elevation principally would be glazed with timber boarding detail. The main access is to the southeast side with glazed panels either side of the door. There would also be large expanses of glazing serving the living and dining rooms at ground floor level and eaves-level windows and roof lights at first floor in the side elevation.
- 1.4 A doorway and small secondary window are proposed within the northwest elevation serving a kitchen and utility area. The remaining front walls of the former dwelling would be retained to form a walled garden to the front; the wall would be 2m in height to the front with pebbledash removed to reveal brickwork.
- 1.5 Improvements have been secured as follows: the originally submitted scheme included a large garage to the front of the site, which is not characteristic of the area. The form of development has therefore been redesigned.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 00/50506/P – Detached dwellinghouse incorporating the conversion of a disused dwelling to a domestic double garage; Refused 24 March 2000, appeal dismissed 9 August 2000.
- 2.2 01/50265/P – Replacement detached dwellinghouse with domestic double garage; Granted 23 March 2001.
- 2.3 15/00210/CAT3 – Investigation into the condition of the dwelling; case closed 18 September 2015.
- 2.4 16/00327/CAT3 – Second investigation into the condition of the dwelling; current.

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 CP17 – Promoting High Quality Design
Development Policies DP1 – Protecting Amenity
Development Policies DP3 – Site Accessibility
Development Policies DP4 – Access for All
Development Policies DP9 – Development Outside Development Limits
Development Policies DP32 – General Design
National Planning Policy Framework – published 27th March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – would support redevelopment of the site to overcome its existing condition and impact on neighbouring occupiers; however the Council raises a number of concerns regarding the proposed design and likelihood of any approval being implemented in view of the site's history.
- 4.2 Highway Authority – recommends conditions to secure improvements to the existing vehicular access.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – no comments received
- 4.5 Public comments – Two objections, summarised as below:
- The existing site is a blight on amenity;
 - The current situation has prevented the sale of neighbouring properties;
 - Loss of privacy/overlooking;
 - Vehicles entering/exiting the site close to the shared boundary with the neighbouring occupier;
 - The proposed design could limit the potential to extend a neighbouring property in the future; and
 - Enforcement action should be taken in respect of the condition of the building; current application is a stalling tactic to delay action being taken.

5.0 OBSERVATIONS

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

Principle

- 5.2 The village of Flawith has no Development Limits and as such residential development is constrained by the provisions of Policies CP4 and DP9, which seek to limit development in such locations. However, The proposal relates to the erection of a replacement dwelling, albeit the one to be replaced is derelict following partial collapse and its front wall would serve as a boundary wall enclosing a front garden area. Policy DP9 allows for replacement buildings “where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion”. Considering the size and condition of the remaining part of the original dwelling, conversion is not realistic.
- 5.3 A conversion of the remnants of the current building alone is unlikely to be feasible and an improvement in the environment could be achieved by clearing the site for redevelopment.

Design

- 5.4 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."
- 5.5 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.
- 5.6 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.
- 5.7 The submitted design and access statement describes the character of the surrounding area as linear village with a footpath to the northeast of the road through the centre of the village and a wide grass verge to the southwest. There is a mix of dwellings and farm buildings, some of which have been converted to dwellings. The statement alludes to a mixture of materials in the area; however it is apparent that the predominant materials are traditional brickwork with clay pantiles with very few exceptions.
- 5.8 The existing front wall of the property is proposed for retention, in the original iteration of the scheme it was to form part of the proposed garage, however in the revised scheme it would be used as a boundary wall to the front garden once reduced in height to 2m and the pebbledash removed.
- 5.9 The statement does not identify the reasons the proposed design was chosen or if any other alternatives were considered.
- 5.10 The proposed dwelling has a number of unique features that offer character, however it is evidently a modern design that does not reflect the prevailing character of the village. This must be balanced with the impact the existing derelict property has on the character and appearance of the village and whether redevelopment would be an enhancement even if the design were a departure in architectural style. It is noted in the NPPF that innovation in design should not be discouraged out of hand.
- 5.11 The merit of a modern architectural style could potentially be better justified if the proposal did not seek to retain part of the previous dwelling. The retention of the existing front walls results in an uncomfortable arrangement that is neither the introduction of something new nor a conversion that would preserve existing character or design. The height of the wall is substantial if it is to be viewed as a boundary wall; while many properties in the area have boundary walls to the front, these are of a much lower level of approximately 1m in height. Such a large boundary wall would dominate the appearance of the site and the property built behind it; this also misses the opportunity to achieve a substantial improvement to the environment.
- 5.12 The merits of the proposed development are finely balanced and assessed in the context of the site's current state. Ultimately, the proposed design does not respect local character and is not therefore considered an appropriate form of development for the site, despite the potential benefits of redevelopment.

Residential amenity

- 5.13 Particular concern has been raised about the impact the existing condition of the site has on the amenities of neighbouring occupiers and the appearance of the village, due in part to the amount of time the site has been in poor condition (first reported to the Council in August 2015). It is apparent there is support for the principle of redeveloping the site to overcome that impact, but concern about the amount of time it could take to achieve the redevelopment. The Council is duty bound to find the most appropriate means to address the issue within the regulatory functions available to it but must also act reasonably in exercising those functions. It is appropriate to consider a planning application for redevelopment of the site as a means to overcome an existing issue and it would be unreasonable to take enforcement action while this application is under consideration.
- 5.14 The Council has encouraged the applicant to find a way to manage the issues on the site in the short term while seeking to identify an appropriate form of development for the site in the long term. This has included the cutting back of overgrown vegetation at the request of officers. Whether pursuing a planning application is a stalling tactic on the part of the applicant to avoid enforcement action being taken is not a material planning consideration. Should this application be refused there are other options available to the Council to address the condition of the site, which would be assessed to determine the most appropriate course of action in that event.
- 5.15 Concern was raised initially that the plans submitted did not accurately reflect the layout of the existing buildings and neighbouring properties and that the proposed layout as originally submitted could have resulted in a loss of light to the neighbouring occupier if that property were accurately drawn. The applicant has since submitted revised plans showing the location of the neighbouring property and redesigning the proposed development, which would be set further away from the shared boundary with the immediate neighbour to the north, The Firs (4.2m at the closest point). Based on the information provided by the applicant and the neighbour regarding the orientation of properties and the location of windows, the revised design would not give rise to unacceptable loss of amenity.
- 5.16 The neighbouring property to the south east, Rivendell, has a number of roof lights along the north west roof plane. The occupiers have objected to the proposed windows in the side elevation, which they consider would allow views into their property. The design and layout of the proposed dwelling is such that one of the proposed windows serves a landing and could therefore be opaque glazed to overcome this issue; however the other window serves a bedroom and is the only window to that room. As a principal window the amenity of future occupiers of the property would be limited if it were necessary to introduce opaque glazing and as such this has not been requested. However the harm such a window could cause in terms of overlooking the neighbour could only be resolved by redesigning the layout of the proposed property. Had the development been considered acceptable in principle, these matters could have been overcome through amendments; however given the concerns already established above regarding design, it is not considered reasonable to pursue changes to the proposed layout and window arrangement.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The design of the proposed development does not respect the character and distinctiveness of the surrounding area and would not contribute positively to the environment, in conflict with the requirements of Hambleton Local Development Framework policies CP16 and DP32.

2. The window arrangement within the proposed dwelling would give rise to overlooking and would cause unacceptable loss of privacy to neighbouring occupiers, in conflict with Hambleton Local Development Framework Policies CP1 and DP1.

This page is intentionally left blank

Parish: Northallerton

Committee date: 17 August 2017

Ward: Northallerton North & Brompton

Officer dealing: Mr P Jones

8

13/01956/DIS16

Discharge of Condition 16 (level crossing) relating to planning approval 13/01956/FUL

**At Castlegate and Mowbray Park Development, Yafforth Road, Northallerton
For David Wilson Homes Yorkshire (East) Division**

This application is referred to Planning Committee in recognition of significant concerns expressed by Members.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The former York Trailers site was allocated for housing by Local Development Framework policy NH1. Part iii of the policy required “contributions from the developer towards improvements to the local footpath and cycleway network towards the town centre and areas of employment, particularly the route crossing the Northallerton – Middlesbrough Railway line”. The allocation made no reference to the pedestrian crossing of the East Coast Main Line (ECML).

1.2 Planning permission for 283 dwellings was originally granted in December 2011. However, that permission was not taken up and the site was marketed to other developers. The applicant secured two further permissions: 12/01521/MRC, which amended the drawings to place their house types on the previously approved layout, in May 2013; and 13/01956/FUL, which altered the layout and reduced the number of dwellings to 241, in May 2014.

1.3 The latter of those permissions is being implemented and included condition 16 which states:

“Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.”

The stated reason for the condition is:

“To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.”

1.4 At the time of the original submission for the discharge of the condition, the applicant's safety consultant advised that works be carried out to the steps and safety refuge on the rail crossing. Those works have since been carried out by Network Rail.

1.5 The applicant now proposes to place additional signage at the entry point of the footpath at the south side of the estate comprising one sign warning footpath users of fast trains and a finger post direction sign to the town centre. The applicant also proposes to distribute rail safety literature to residents of the estate incorporating wording provided by Network Rail.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 09/00795/FUL - Revised application for the layout of land and construction of 283 dwellings, associated garages and landscaping; Granted 13 December 2011.
- 2.2 12/01521/MRC - Application to vary condition 2 of planning approval 09/00795/FUL to amend the design of the 283 dwellings; Granted 5 January 2013.
- 2.3 13/01956/FUL - Construction of 241 dwellings and associated works; Granted 14 May 2014.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Allocations Policy NH1 - York Trailers, Yafforth Road, Northallerton
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Highway Authority – Advice awaited.
- 4.2 British Transport Police – Expressed concerns about the likelihood of increased anti-social behaviour in the vicinity of the railway crossing.
- 4.3 Network Rail – Consider that the works carried out to the railway crossing in recent months bring the crossing up to currently acceptable standards.
- 4.4 Public comments – A petition signed by over 120 residents requests the immediate provision of a footpath link to the town centre.

5.0 OBSERVATIONS

- 5.1 The main issue to consider in this case is whether with the proposed signage and safety information are sufficient to allow the discharge of condition 16, taking account of the works already carried out to the level crossing by Network Rail.
- 5.2 Members will recall previous formal reports on this matter in December 2014 and January 2015, when a breach of the condition was anticipated, in April and July 2015, and regular briefings since. The developer submitted a risk assessment with mitigation measures in December 2014 but it lacked input from the Rights of Way Authority and was therefore revised and resubmitted in January 2015. Members expressed a wish to see more ambitious mitigation measures than the developer had proposed and officers sought advice from the Health & Safety Executive and the Royal Society of Prevention of Accidents (RoSPA). Neither organisation had a statutory duty to comment on the submission and both declined to do so. However, RoSPA recommended a specialist safety consultant, TMS Consultancy, and TMS was engaged to review the risk assessment and mitigation measures.
- 5.3 The submitted risk assessment has not yet been approved or refused. In line with the reports and briefings mentioned above, it was decided to defer any decision and to refrain from enforcement action whilst there was no connection from the site to the public footpath, thereby avoiding any increased public risk, and to allow Network Rail

to pursue a diversion of the footpath that would allow the pedestrian level crossing to be closed.

- 5.4 TMS identified additional measures in the form of traffic lights that would warn pedestrians crossing the ECML when a train was approaching. However, Network Rail has advised that it will not allow this to be implemented because of concerns that it would make the pedestrian crossing more dangerous. The reasoning is that, in order to give adequate warning, a northbound train would need to trigger the signal as it passed through Northallerton Station, which meant that a stopping train would also trigger the signal. Network Rail believes this would result in the red light being on for such a long period whenever a northbound train stopped at Northallerton that people using the crossing would lose patience and be tempted to ignore the signal and enter the crossing when a southbound train might be approaching.
- 5.5 During this period, Network Rail undertook maintenance and improvement works to the pedestrian crossing and advises that the further work to the crossing proposed in the developer's submission is therefore no longer necessary. However, scope still remains for the developer to raise public awareness of the risk of using the crossing, by means of signage and by notifying occupiers of the new houses, as now proposed.
- 5.6 Much of the above was considered by the Committee in a confidential report on 27 April 2017. The Committee's resolution was "the developer is invited to amend their submission under condition 16 (13/01956/DIS16) to include warning measures and is brought before the Planning Committee for decision at the earliest opportunity".
- 5.7 In response to that resolution, and following discussions with officers and Network Rail, the applicant has submitted an up-dated submission in terms of signage at the entry point of the footpath. This has been kept as simple as possible at the request of Network Rail which was concerned that a proliferation of signage would cause confusion.
- 5.8 Two new signs are now proposed at the entry point of the footpath. One sign would warn of the presence of high speed trains and a second sign would give direction to Northallerton town centre. The warning sign would be in black on yellow, to maximise its visibility, and contain a hazard symbol and the words "CAUTION High speed trains 100 metres", with an arrow pointing towards the level crossing.
- 5.9 Rail safety advice, relying on wording provided by Network Rail, would also be circulated to residents of the new estate. The proposed wording is:

We write further to recent consultations with Hambleton District Council with specific reference to future access to the public footpath, which runs adjacent to the southern boundary of the development and facilitates access to both Northallerton Town Centre and the unmanned pedestrian crossing over the East Coast High Speed Main Railway Line.

Presently access to said footpath is closed off from the development, at the request of Hambleton District Council, due to concerns regarding the proximity of the railway crossing and the potential danger this could pose to our customers should you choose to use it. However, following our recent discussions with Hambleton District Council it has been agreed that the link from the development to the public footpath is to be opened up on (insert date). Mindful that the adjacent open space, currently accommodating building materials, will not be finalised until February 2018, said access to the public footpath will be provided by means of a temporary footpath in the location indicated on the attached plan.

Mindful of the potential dangers associated with the unmanned pedestrian crossing over the East Coast High Speed Main Railway Line, we would request that you exercise caution and vigilance at all times with the knowledge that this is a busy high speed railway line serving the East Coast. Signage, as indicated on the attached plan, will be placed adjacent to the junction of the POS footway and public footpath in order to reinforce the potential danger.

It is our intention to write to you in the very near future to confirm our intentions with regards to the resurfacing works to the existing public footpath.

- 5.10 In conclusion, the applicant seeks the discharge of condition 16 on the basis of the additional signage, the circulation of rail safety advice along with the physical works already carried out to the rail crossing by Network Rail.
- 5.11 Outside the scope of Condition 16, Network Rail continues to monitor the rail safety situation at the rail crossing and will seek to address any additional risks that it identifies over the course of time.
- 5.12 The measures described above cannot prevent a person accessing the pedestrian crossing if they wish to do so and officers are mindful of the strong feelings that the issue of rail safety can give rise to. Other options have been considered, including the possibility of a diversion of the public footpath, and the following advice from the report considered by the Committee in April 2017 remains pertinent:

“The assessment of options relating to condition 16 must be mindful that planning controls cannot require a developer to resolve a pre-existing problem. The pedestrian level crossing of the ECML has been in place for many years and therefore it is the likelihood of increased use by residents of the development, and the particular impact arising from that increased use rather than any pre-existing issues, that must be addressed. It must also be borne in mind that planning conditions cannot require a developer to do anything on land they do not control.

Furthermore, consideration must be given to the reasonable limits of control that may be exercised by a means of planning condition. If stopping up or diversion of the footpath were required as mitigation, it would make the entire development dependent on the success of a stopping up or diversion order under rights of way legislation, which cannot be guaranteed. Condition 16 is worded negatively (a Grampian condition) and Government guidance is clear that “Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission”. The time limit was before the occupation of the first dwelling on the site, which has passed and therefore a decision to refuse a submission under condition 16 because it falls short of stopping up or diverting the footpath would be unlikely to survive challenge through an appeal.”

- 5.13 Taking that advice into account, along with the limited options available to the developer and the input of Network Rail into the current proposal, it is considered to be a reasonable form of mitigation in the circumstances that apply, subject to all measures being implemented in full before pedestrian access from the site to the public footpath is reinstated.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultation, the details submitted for discharge of condition 16 are agreed on the understanding that they will be implemented in full before pedestrian access from the site to the public footpath is reinstated.

Parish: Northallerton

Committee date: 17 August 2017

Ward: Northallerton North & Brompton

Officer dealing: Mr K Ayrton

9

Target date: 14 September 2017

17/00584/FUL

Mixed Use Development for a residential care home (76 bedrooms), 26 extra care apartments and an 82 bedroom hotel with ground floor retail unit with associated landscaping and parking

At land south of The Willow Beck Public House, Finkills Way, Northallerton

For Crown Care

This application is referred to Planning Committee for decision as it constitutes a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is 1.61 hectares in area and extends along the line of the branch railway to the north of Northallerton town centre adjacent to the Brompton Beck. It currently accommodates an employment use (steel fabrication) at the southern end of the site, patches of rough grassland and areas of cleared buildings. It is accessed off Finkills Way. The northern part of the site is allocated for employment use. The remainder of the site is unallocated but within the development limits of Northallerton.
- 1.2 To the north is the recently constructed Willow Beck public house. The wider area accommodates a mix of employment uses including a furnishing store to the west, and more traditional employment uses (i.e. Use Classes B1, B2 and B8) to the south along Finkills Way. The uses on the opposite side of the railway (within the town centre boundary) include retail warehouses, a supermarket and a mix of office and residential uses. The overall mix is typical of an edge of centre location. Access to the town centre is via the railway crossing. There is a potential alternative pedestrian access to the south via a public footpath which bridges over the railway line and links to the town centre, exiting at the Oddfellows Arms public house, although there is currently no access to this footpath from the application site.
- 1.3 The Brompton beck passes along the eastern boundary. There are several mature trees subject to a Tree Preservation Order in the vicinity, the majority of which are located beyond the application site at the north end where the land abuts the A167. A large proportion of the site falls within Flood Zones 2 and 3.
- 1.4 The proposal is for two main blocks of three-storey development. These include:
 - A C-shaped building to the south of the site, which would accommodate a 76 bed residential care home and 26 extra care apartments. The buildings would have frontages onto Finkills Way and Brompton Beck, creating an internal courtyard; and
 - A T-shaped 82-bedroom hotel with a frontage onto Willow Beck. This would accommodate a 102 sq m flexible ground floor unit (Use Classes A1, A3 or A5).
- 1.5 The application has also been accompanied by several supporting reports and plans, which cover flood risk, ecology, employment impact, highways, landscaping and design.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02512/FUL - Construction of Use Class A3/A4 public house with parking, associated works and removal of trees; Granted 13 May 2016.

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 CP12 - Priorities for employment development
Core Strategy Policy CP13 – Market Towns Regeneration
Core Strategy Policy CP14 – Retail and town centre development
Core Strategy Policy CP16 – Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 – Recreational facilities and amenity open space
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 – Development Limits
Development Policies DP13 – Achieving and maintaining the right mix of housing
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 DP22 – Other town centre uses
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 DP43 - Flooding and floodplains
Allocations Policy NE2
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council – No objection.
- 4.2 NYCC Archaeology – No objection.
- 4.3 North Yorkshire Police Architectural Liaison Officer – Some initial comments were made, which were then responded to by the agent, including some minor amendments being made to the boundary treatments.
- 4.4 NYCC Sustainable Drainage Officer – Initially requested some additional information, which was addressed in an updated drainage assessment. No objection.
- 4.5 Environment Agency – No objection subject to the Council being satisfied that the sequential test and exception test have been satisfied.

- 4.6 Yorkshire Wildlife Trust - Concerned that this appears to be a very dense and impermeable development in Flood Zone 3 without clear mitigation for nesting birds and otters which are found on the site. If the authority is minded to give planning permission for the development a number of issues would need to be resolved, including designs for the sustainable drainage systems so that there are enhancements for biodiversity.
- 4.7 Environmental Health Officer – No objection. A contaminated land survey will be required.
- 4.9 Highway Authority – Has taken the following matters into account in assessing the proposal and reaching its recommendation:
- The design standard for the site is Manual for Streets and the required visibility splay at the access onto Finkills Way is 45m by 2.4m. The available visibility exceeds this; and
 - The Finkills Way footway along the front of the site has subsided due to the condition of the site boundary and the applicant needs to make good this length of footway.

Recommends planning conditions and requests a planning obligation, to which the Highway Authority would wish to be a party, to secure a new footway link leading across the development as shown in drawing PL05 and a contribution £5,000 to a footbridge across Willow Beck.

- 4.10 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location, including the loss of employment land; (ii) the design and landscaping; (iii) highway impact; (iv) impact on flood risk and drainage; (v) and impact on biodiversity.

Principle and loss of employment land

- 5.3 The site is located within the Development Limits of Northallerton and on the edge of the town centre boundary. The northern part of the site is allocated for employment use with the remainder of the site last in employment use.
- 5.4 Policy NE2 of the Allocation Development Plan Document allocates the northern part of the site for high quality Class B1 business use. The policy includes criteria that require development to deliver flood alleviation measures and high quality design and landscaping. Policy DP17 relates to the retention of employment sites and also applies to the southern part of the land that was previously in employment use. It states that sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted unless one of four criteria can be met. These are:
- i. The supply and variety of available alternative employment land is sufficient to meet district and local requirements; or
 - ii. Evidence can be provided that no suitable and viable alternative employment use can be found or is likely to be found in the foreseeable future; or
 - iii. There would be substantial planning benefit in permitting alternative uses; or

- iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.
- 5.5 An Employment Land Use Impact Assessment has been undertaken. This considers the development against the four criteria set out under Policy DP17. The report makes the following comments:
- A significant proportion of the employment allocation has already been released to accommodate the public house. The emerging new Local Plan for Hambleton identifies this site as a 'non-preferred employment site' (officer note: this is incorrect. The site has been identified as an existing allocation). The Preferred Option document is based on the findings of the Employment Land Review, which recognised that the 'site south of Yafforth Road has primarily a retail focus' and 'the site would represent opportunities for industrial (mainly at northern parts), general office or/and wholesale employment uses. The southern part of the site could be considered for other uses'. The report goes on to conclude that there is scope to consider the release of further land allocations for employment, particularly 'infill' sites, which do not provide the flexibility required by some occupiers.
 - The site has been openly marketed for development since August 2011, a period of 5½ years. It is stated that there have been very few enquiries received. Of those made, many were for non-employment uses (e.g. hotels, motor dealerships, leisure, retail, fast food).
 - The report concludes that the site's long term retention would contravene the guidance contained within the National Planning Policy Framework, which seeks to avoid long-term protection of sites allocated for employment uses where there is no reasonable prospect of such a use taking place.
- 5.6 The findings of the assessment are considered to be sound. Whilst not referred to in much detail in the Employment Land Use Impact Assessment, it is also recognised that the proposed uses would generate significant employment, potentially greater than the previous and allocated uses. The submitted application form states that, in employment use, the site generates the equivalent of 10 full time employees, compared with 113 employees that would be generated by the proposed development.
- 5.7 The considerations above allow the conclusion to be formed that the relevant requirement of policy DP17 can be met, particularly when the NPPF's expectation that employment sites should be released if there is little prospect of an employment use coming forward. It is considered that there is a sufficient supply of employment land elsewhere to meet local requirements; interest for a more traditional employment use on the site has been limited; and perhaps most importantly, the development itself would generate a significant amount of employment.
- 5.8 The proposed development includes main town centre uses as defined in the NPPF. Paragraph 24 of the NPPF states that "Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up to date local plan. They should require applications for main town centre uses to be located in town centres, then an edge-of-centre location and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate

flexibility on issues such as format and scale". Further advice is set out in the National Planning Practice Guidance.

- 5.9 The application is accompanied by a sequential analysis to consider the impact and justification of the hotel and retail unit. The assessment identified potential available alternative development sites in and well related to Northallerton town centre.
- 5.10 The assessment confirms that the site is in an edge of centre location as defined in the NPPF. It concludes that there are no alternative sites available and suitable. Whilst there are some sites that are available, the assessment sets out that these are not suitable due to their limited size. The report is considered to be thorough and satisfies the requirements of the NPPF's sequential test.

Design and landscaping

- 5.11 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."
- 5.12 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.
- 5.13 The National Planning Policy Framework supports this approach and 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."
- 5.14 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.
- 5.15 The application is supported by a Design and Access Statement, which includes an assessment of the site and its context. This results in the identification of strengths, weaknesses, opportunities and threats; most notably the opportunity to enhance the beck side is identified along with improved links to the wider area and the proximity to the town centre. Weaknesses and threats include flooding, the railway and wildlife.
- 5.16 The latter part of the document sets out how the design has evolved, making reference to pre-application discussions. The agent was advised of the need to successfully integrate the development with the surrounding mix of uses and to create a suitable environment for the uses proposed; and the need to reflect local distinctiveness. Changes made throughout the process include a reduction in the scale and mass of the development through greater modulation of facades and more sympathetic use of materials. This has been informed through an assessment of the historic core of Northallerton town centre. Whilst the development is not necessarily seen in the same context, this has helped to introduce local distinctiveness in both the materials and rhythm of development.

- 5.17 Ultimately it is recognised that most importantly, the development will need to respond to its immediate context. In this respect the scale of development would frame the newly landscaped beck, whilst introducing a high quality design to the area and in particular to Finkills Way.
- 5.18 Taking this into account, it is considered that the design meets the requirements of Policy DP32, particularly having regard to the site's context. The supporting documents demonstrate how the design has evolved in response to advice and a considered analysis of the local area, including the choice of materials, which will be critical in making the scheme successfully integrate with its surroundings. The details set out in the Design and Access Statement will need to be followed though in the construction phase as they will add texture and articulation to the elevations.
- 5.19 Due to the density of development, the proposed landscaping would have a crucial role in successfully integrating it with its surroundings. Detailed consideration has been given at this stage, with the application being supported by a landscape and visual assessment, including a landscape masterplan.
- 5.20 The assessment confirms that the site is visually well contained by surrounding built development and vegetation along the railway embankment, which restrict long and medium distance views. Proposed landscape mitigation includes:
- Retention of existing trees where practical;
 - Incorporating significant tree, hedge and shrub planting along site boundary;
 - Development of a landscape entrance; and
 - Paved pedestrian routes linking to the footpath route along the beck bankside.
- 5.21 The landscape masterplan introduces a path alongside the beck, where the landscaping is intended to recognise the function of this part of the site as a drainage and attenuation basin.
- 5.22 Overall the landscaping scheme is considered to be of a good quality, which would enhance the setting of the development and make a positive contribution to the character of the area.
- 5.23 Community views were sought by the agent in developing the scheme, as recorded in the submitted Statement of Community Involvement. This included an exhibition at Allerton Court Hotel. Prior to the event leaflets were distributed to approximately 150 households and businesses. The event was also reported in a local newspaper. Approximately 16 people attended the event. The feedback, whilst limited, was generally positive, with support for the development in terms of the intended uses and the design approach.

Highways

- 5.24 The Highway Authority initially had concerns over the narrowness of the footpath over the road crossing of the beck leading to Northallerton town centre, which was considered to reduce the accessibility of the site from the town centre. Subsequent discussions with the applicant's representative explored options for improvements and agreement has been reached on provision of a new footway link leading across the site (identified on the application drawings) and a contribution of £5,000 to a footbridge across Willow Beck that would provide an alternative to the narrow footpath on the road bridge.
- 5.25 The Highway Authority is satisfied with the visibility splays that can be achieved at the access and egress point. It is also satisfied with the car parking proposed, which includes a total of 90 spaces in two main areas split between the north and south of

the site. The supporting transport statement sets out how the provision accords with North Yorkshire County Council standards and compares with similar developments elsewhere. The scheme would also deliver 24 on-site cycle parking spaces.

Flood Risk and Drainage

- 5.26 The Environment Agency flood map identified large parts of the site as being located within Flood Zones 2 and 3, areas of flood risk where flood-sensitive development should be discouraged or prevented. The owner of the site has been investigating flood risk for the last few years and this is reflected in the supporting documentation, which includes a Flood Risk Assessment (FRA) from 2015 with a 2017 addendum. A Drainage Impact Assessment and a Sequential and Exception Test have also been submitted.
- 5.27 The Sequential Test is intended to steer new development to areas with the lowest probability of flooding; Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, Local Planning Authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.
- 5.28 The Exception Test ensures that flood risk will be managed satisfactory, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. Essentially, the two parts of the Test require proposed development to demonstrate that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible, reduce overall flood risk.
- 5.29 The addendum demonstrates how flood alleviation works would result in the development being located within Flood Zone 2. This is because of the introduction of a flood compensation area along the beck's side. The FRA concludes that the development would not increase flood levels and would increase flood storage capacity, which would be of benefit to the surrounding area by decreasing the risk of flooding.
- 5.30 The Environment Agency has commented in respect of flood risk, confirming that it can only support the application subject to two factors. The first is that the measures set out in the Flood Risk Assessment and Addendum are implemented and secured by planning condition; and secondly, that the development meets the Sequential and Exception Test as required by the NPPF.
- 5.31 During the consideration of the application, the applicant submitted a Sequential and Exception Test. Key points in the Sequential Test include:
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels are classed as "More Vulnerable". Such a development is appropriate in Flood Zones 1 and 2;
 - Buildings used for shops, financial, professional and other services, restaurants and cafes, hot food takeaways, and assembly and leisure are classed as "Less Vulnerable". Such a development is appropriate in Flood Zones 1, 2 and 3a; and
 - There are no sequentially preferable sites, appropriate to the proposed development, available within or on the edge of Northallerton town centre.
- 5.32 Schemes that pass the Sequential Test are also required to respond to and effectively mitigate the risk of flooding on the site. This is done through a process of site specific Flood Risk Assessment and, in some cases, the application of the Exception Test. Key points in the Exception Test for this development include:

- The development at Finkills Way has been designed in accordance with the flood alleviation measures that had been modelled previously. This is in the form of a flood alleviation zone along the eastern boundary of the site;
- The report sets out how the development meets the economic, social and environmental dimensions of sustainable development.
- The report makes reference to the findings of the Flood Risk Assessment, which confirms that following the completion of the development, it would be safe and that any residual flood risk can be overcome.

5.33 Therefore it can be concluded that the Sequential and Exception tests have been passed.

Biodiversity

5.34 Several ecological surveys have been undertaken in and around the site over the last few years. An ecology report has been submitted in support of the application, which re-appraises all previous surveys and assesses likely impacts of the proposed development. The report concludes that the impacts upon existing ruderal habitats (i.e. plant species that have colonized the disturbed lands) would be offset by the proposed landscaping planting around the new development.

5.35 It is known that otters are present along the beck, although the ecology report notes that the presence within the development site appears to have reduced compared back with previous surveys. Further otter surveys are recommended with mitigation being tailored accordingly. It is also important that the landscaping scheme is developed to fully consider the ecology benefits. This can be best controlled through a condition requiring the submission of a landscape and ecology management plan. Other recommendations and mitigation are proposed in respect of breeding birds, bats and site enhancements.

5.36 It is concluded that the proposal accords with the requirements of the Development Plan, most notably policy DP31, which offers protection to sites and habitats of nature conservation, together with protected species.

6.0 RECOMMENDATION

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the agreed highway works/contributions; and (b) 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 SL03, PL01, PL02, PL03, PL04, PL05, PL06, PL07, EL1, EL2, EL3, Landscape Masterplan P05 received by Hambleton District Council on 8 March 2017; and PL08A received by Hambleton District Council on 24 April 2017 unless otherwise approved in writing by the Local Planning Authority.
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. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the recommendations sets out in the Ecology Report (January 2017) prepared by JBA Consulting along with the following: (i) risk assessment of potentially damaging construction activities; (ii) identification of "biodiversity protection zones"; (iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); (iv) the location and timing of sensitive works to avoid harm to biodiversity features; (v) the times during construction when specialist ecologists need to be present on site to oversee works; (vi) responsible persons and lines of communication; (vii) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and (viii) use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
5. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following: (i) description and evaluation of features to be managed; (ii) ecological trends and constraints on site that might influence management; (iii) aims and objectives of management; (iv) appropriate management options for achieving aims and objectives; (v) prescriptions for management actions; (vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); (vii) details of the body or organization responsible for implementation of the plan; and (viii) ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
6. 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. The scheme shall adopt the following established in the submitted landscape masterplan P05 prepared by SLR, received by Hambleton District Council on 8 March 2017. The development shall not 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 situated within the site 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.
7. 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.
8. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any

contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA and FRA Addendum dated 24 January 2017 and the following mitigation measures detailed within the FRA: (1) Limiting the surface water run-off to 5l/s; (2) Provision of compensatory flood storage as detailed within the FRA and FRA addendum; (3) Finished floor levels are set no lower than 39.6m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).
11. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Finkills Way. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
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 giving clear visibility of 45m measured along both channel lines of the major road Finkills Way 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 0.60m. 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) tactile paving; (b) vehicular, cycle, and pedestrian accesses; (c) vehicular and cycle parking; (d) vehicular turning arrangements; (e) manoeuvring arrangements; and (f) loading and unloading arrangements.
14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 13 (a) have been constructed in accordance with the submitted drawing PL05. Once

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

15. During construction works there shall be no Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 8:30am and 16:30 on Mondays to Fridays and 9:00 to 13:00 pm on Saturdays.
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 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) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing to avoid the A167 and the B1333 within the urban area of Northallerton.

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 CP17 and 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 ensure that biodiversity is offered protection during the construction of the development in accordance with LDF Policy DP31.
5. In order to satisfactorily mitigate the visual appearance of the development and deliver biodiversity benefits in accordance with LDF Policies CP16 and DP30 and DP31.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
9. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF.
10. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
11. In accordance with Policy DP3 and in the interests of road safety.
12. In accordance with Policy DP3 and in the interests of road safety.
13. In accordance with Policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with Policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
15. In accordance with Policy DP3 and to avoid conflict with vulnerable road users.
16. In accordance with Policy DP3 and to provide for appropriate on-site vehicle parking and storage.
17. In accordance with Policy DP3 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.

Parish: Sandhutton

Ward: Thirsk

10

Committee date: 17 August 2017

Officer dealing: Laura Chambers

Target date: 24 August 2017

16/02529/OUT

Outline application for a new dwelling with details of access and layout

At Hope Farm East, Sandhutton

For Mr John Beamson

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 comprises part of the former Hope Farm East, to the south of Mornington Bungalow and surrounded by domestic properties. The site also includes an access from the A167 shared with Mornington Bungalow.
- 1.2 The area is residential in nature with a mixture of both bungalows and two-storey dwellings, the properties at this northern extent of the village are of a more modern appearance than the historic centre of the village accessed from Sandhutton Lane. Mornington Bungalow is not within the Conservation Area but the majority of the site is.
- 1.3 Outline permission is sought for the erection of a dwelling within the centre of the site; this would entail the demolition of the remaining farm buildings.
- 1.4 The matters for approval at this stage are access and layout. The remaining matters, i.e. appearance, landscaping and scale, would be for a later application if this is approved.
- 1.5 Improvements have been secured as follows: a revised site layout has been provided to demonstrate the proposed parking arrangements for both the host and proposed property.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning history associated with the site.

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
 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 – Recommends approval but raises questions about whether the old stone barns are listed and whether access would be through another property.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No comments received.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comments – Three objections have been received, summarised as follows:
 - Noise from vehicles using the proposed access;
 - The entrance to the site has been widened without the dropped kerb being widened;
 - Removal of buildings that act as a boundary wall could alter privacy;
 - Loss of view;
 - The existing buildings act as retaining walls to varying ground levels;
 - The application does not specify the size or type of dwelling;
 - The site is a former village quarry with varying levels; there are no details of proposed ground levels.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and parking; (iii) impact on residential amenity; (iv) land levels; (v) design; and (vi) heritage assets.

Principle

- 5.2 The site falls outside of Development Limits, Sandhutton having none because of its absence from the settlement hierarchy published in the Core Strategy. 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 "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 revised settlement hierarchy published with the IPG, Sandhutton is defined as a Secondary Village and therefore is now considered a sustainable location for small-scale development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is positioned between other buildings within the built form of the village. As such, if the site were developed it would not be isolated from the village, it would not result in the coalescence of settlements and would not be detrimental to the open character of the surrounding countryside.

Access and Parking

- 5.6 It is proposed that the new dwelling would share the access to Mornington Bungalow with parking for the existing property located to the rear of that plot and access into the new plot being formed through a boundary fence with parking being laid out to the front of the proposed property.
- 5.7 It is noted by neighbours and the Highway Authority that the driveway has been widened but the dropped kerb has not been widened to match. Notwithstanding that, the Highway Authority does not object to the proposed arrangements subject to standard conditions regarding construction of the access (including the amended dropped kerb) being implemented prior to occupation and site management during the construction phase.

Residential Amenity

- 5.8 The proposed property would be located centrally within the plot, allowing for suitable separation between it and the existing dwellings to the west and Mornington Bungalow itself to the north. Details such as room layouts and the position of windows would be a matter of detail to be dealt with at reserved matters stage should this application be approved, however there is nothing to suggest suitable privacy distances could not be achieved.
- 5.9 A farm building on the western boundary of the site effectively forms a boundary with the adjacent domestic gardens of neighbouring properties and therefore its removal would require a replacement boundary treatment. Concerns have been raised by neighbours that this could reduce privacy.
- 5.10 The submitted site plan indicates a new boundary fence or wall would be introduced, however the specifics of this would be a detailed design matter for a reserved matters application. As previously identified, sufficient separation distances can be achieved to protect privacy and amenity within garden areas could be secured with a boundary of suitable height and design. This matter would not warrant refusal of an outline application.

Land Levels

- 5.11 There are varying levels across the site, a neighbouring occupier identifies this as being a result of the site previously being the village quarry. Concerns have been raised that without details of the intended finished ground levels and scale of the proposed dwelling it is not possible to ascertain the potential impact of the proposals. At this stage scale has not been put forward as a matter for consideration, clearly an appropriate scale is likely to be influenced by levels but this information would need to be considered at reserved matters stage if the principle of some form of development can be determined. The land available would suggest that a dwelling

could be accommodated on the site, the appropriateness of the scale and appearance of such a dwelling would be assessed in due course.

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 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 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. It is not considered the proposed development would have a significant impact on the surrounding area and as such the expectation to engage in community consultation prior to submission would not apply.
- 5.16 The applicant's Design and Access Statement describes the character of the surrounding area as residential in nature with a variety of house types and sizes, it is apparent that there is no prevailing architectural style in the area but it is of a residential character. The merit of retaining the existing buildings on the site has not been assessed, but their removal would be necessary to achieve the layout proposed. Community consultation is not mandatory for a development of this scale but has been carried out in preparing the application.
- 5.17 There is no indication of whether any other development options were considered, however the assessment does specify that the proposed layout has been informed by the position of the existing dwellings in the vicinity which would have limited the possible alternatives. As appearance and scale are not for consideration at this stage there is no further assessment of detailed design considerations.

Heritage assets

- 5.18 The Parish Council has asked whether any of the existing buildings on the site are listed and intended for demolition, there are no listed buildings on or adjacent to the site that would be affected by the proposal, however the site is within the Sandhutton Conservation Area. 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 Sandhutton Conservation Area when deciding this application.
- 5.19 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 former piggery buildings that relate to the former use as a farm. These buildings are not considered to be heritage assets in their own right but have some contribution to the character of a Conservation Area. The proposed development would see a change in the

arrangement of built form on the site, with the proposed dwelling in the centre of the site replacing two buildings to the east and west with open space between.

- 5.20 The site is well screened from principal vantage points given its location to the rear of other properties; the change in the built form would not therefore be appreciable within the wider Conservation Area and would not detract from its character but would allow a more efficient use of a site for residential purposes and would allow an improvement of what is currently a site of a dilapidated, albeit well screened, appearance.

- 5.24 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. In this instance the less than substantial harm can be justified in redeveloping the site for the construction of a dwelling, which would make a small contribution toward the supply of housing.

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 which ever 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 scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3098/02 Rev A received by Hambleton District Council on 10/04/17 unless otherwise approved in writing by the Local Planning Authority.
4. 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.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. 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: (c) The existing access shall be improved by widening to match the driveway and shall be constructed in accordance with Standard Detail number E6; (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
7. 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 in consultation with the Highway Authority: (a) vehicular accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking 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.
8. 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.
9. 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; and (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 Section 51 of the Planning and Compulsory Purchase Act 2004.
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. 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, CP8, CP16 and CP17.

4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. 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. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. 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 black wheeled bin with 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.

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

This page is intentionally left blank

Parish: Sowerby
Ward: Sowerby & Topcliffe

Committee date: 17 August 2017
Officer dealing: Laura Chambers

11

16/01139/FUL

Demolition of former abattoir buildings and construction of a terrace of 4, three bedroom dwellings to include access, parking, landscaping, gardens and boundary treatment

At H Lee and Son, Chapel Street, Thirsk
For Mr A Abbott

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a former abattoir on the south side of Chapel Street, to the north of the Thirsk and Sowerby Leisure Centre. It is a collection of single storey buildings principally constructed of painted brickwork with clay pantile roofs but after being variously altered some parts of the buildings include the use of concrete blockwork and corrugated sheeting. There is a 2m brick boundary wall with coping to the perimeter of the site.
- 1.2 The site is within the Thirsk and Sowerby Conservation Area and forms part of the former curtilage of the adjacent furniture workshop at 18-20 Chapel Street, which is Grade II listed. Although now separated in title, the two sites were previously the stable block and dovecot of The Three Tuns Hotel, also Grade II listed. The area comprises a mixture of uses with commercial properties alongside a number of residential properties, some being conversions others being recently constructed infill developments.
- 1.3 Permission is sought to demolish the existing buildings on the site and construct a terrace of four three-bedroom dwellings, each with accommodation on three floors including an upper floor within the roof space, with roof lights to the front and dormer windows to the rear. One parking space per dwelling is proposed to the front of the site, with access taken from Chapel Street. The boundary wall to the west and south of the site would be reduced in height to 1.5m and capped with copings. Private gardens to the rear would be defined by timber fences.
- 1.4 Improvements have been secured as follows: access and parking arrangements have been revised following the advice of the Highway Authority and a Heritage Statement and associated application for listed building consent have been submitted.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00894/LBC – Listed Building Consent for the demolition of former abattoir buildings and construction of four three bedroom dwellinghouses to include access, parking, landscaping and means of enclosure; Pending consideration.
- 2.2 17/00150/CAT3 – Alleged change of use from an Abattoir (sui-generis) to a place for the storage of building materials (B8); Investigation ongoing.

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 CP7 – Phasing of Housing
Core Policy CP8 – Type, Size and Tenure of Housing
Core Policy CP9 & CP9A – Affordable Housing
Core Policy CP12 – Priorities for Employment Development
Core Policy CP13 – Market Town Regeneration
Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Core Policy CP17 – Promoting 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 DP10 – Form and Character of Settlements
Development Policy DP12 – Delivering Housing on Brownfield Land
Development Policy DP15 – Promoting and Maintaining Affordable Housing
Development Policy DP17 – Retention of Employment Sites
Development Policy DP19 – Specific Measures to Assist Market Town Regeneration
Development Policy DP28 – Conservation
Development Policy DP32 – General Design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to condition.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Environment Agency – No objection.
- 4.6 The Ramblers Association – No objection.
- 4.7 The Ancient Monuments Society – Objects. Overall, the Heritage Statement falls short of the standard we would expect to see for a report of this type. There is no detailed assessment of the significance of the various buildings which make up the site and the applicant does not appear to have employed a specialist historic building consultant to produce the report.

On the basis of the evidence produced to date, we do not believe that the demolition of the historic buildings has been justified, and Paragraph 133 of the National Planning Policy Framework (NPPF) therefore applies

- 4.8 Yorkshire Wildlife Trust – No objection subject to conditions.
- 4.9 The Council for British Archaeology – No comments received.
- 4.10 Public comments – Three objections have been received, as summarised below:
- Loss of light;

- Increase in traffic congestion;
- Loss of view;
- Loss of property value; and
- The design is out of keeping with the area.

5.0 OBSERVATIONS

- 5.1 The proposed development of houses within the development limits of a market town is acceptable in principle, subject to an assessment of other policy considerations.
- 5.2 The main issues to consider are: (i) the impact on heritage assets; (ii) loss of employment land; (iii) design; (iv) access and parking; and (v) residential amenity.

Heritage assets

- 5.3 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. Section 72 of the same Act requires the Council to consider the desirability of preserving or enhancing that character and appearance of the Thirsk and Sowerby Conservation Area in determining the application.
- 5.4 When originally submitted in May 2016, the application did not include a heritage statement, despite the fact that it proposes demolition within a conservation area and in close proximity to a listed building, The Old Coach House, formerly stable block and dovecote of The Three Tuns Hotel. Officers undertook an inspection of the site and formed the view that parts of the building proposed for demolition (the areas annotated as “slaughter house” and “processing” on drawing 3714-PD-05) were probably part of the listed building. That was not a final view but it was offered to help the agent address the relevant conservation issues in their heritage statement. Officers also asked for the statement to address the following:
- How the heritage value of the existing buildings within site had been considered;
 - A detailed justification for the proposed demolition, including a structural survey and an explanation of why conversion is not considered to be a suitable option; and
 - An assessment of the former use and layout of the site and how the redevelopment would affect any features of significance.
- 5.5 The agent queried the need for this work on the basis that the application site and The Old Coach House are in separate title and were in separate title when the listing was made in June 1984. Officers explained that ownership cannot be the only factor in determining the status of the building and that architectural cohesion and historic association may be of greater weight.
- 5.6 The listing description for The Old Coach House is not definitive; older listing descriptions do not mark the outline of the building and are compiled to aid identification and therefore generally focus on elevations in public view. Features may not be mentioned but that does not mean they are excluded from the listing. The simple test is “Does it appear to be part of the building?” Relevant advice from Historic England states:

“Around 97% of England's Listed Buildings have List Entries that pre-date 2004. Some have not been updated for over 40 years. These older List Entries were brief and only intended to aid the identification of the listed

property. They did not identify the reason for the designation, nor indicate what was included in the designation. Often List Entries only describe the front elevation, and yet legally, the designation typically extends to the entire property. This can include extensions, outbuildings and other structures within the curtilage of the building described.”

- 5.7 Separation of title does not preclude the existence of a single building for listing purposes, so the agent was also advised that Historic England offers “Enhanced Advisory Services” to provide clarity on what is listed and what is not, although this option does not appear to have been considered.
- 5.8 In the Heritage Statement, submitted May 2017, the agent concedes that part of the building proposed for demolition “appears to be referred to in the listing for the adjacent stable building & dovecote ... as ‘single storey brick wing to rear colour washed’”. Whilst the applicant disputes the listing, the agent notes they have no evidence to prove the status one way or another.
- 5.9 The Heritage Statement relies upon the advice of a structural engineer from July 2016. This states “All the buildings are suffering extensive structural defects, with the main slaughterhouse and processing building suffering structural movement with signs of significant cracking on both the rear eaves elevation and right hand gable elevation with the floor slab internally showing significant movement cracking. Furthermore, many of the roofs have limited flashings where they abut the adjacent properties leading to significant water ingress and rot of internal timbers.” The structural engineer recommended that the buildings are demolished and replaced with “new structures built in accordance with current Building Regulations”. However, it is not known whether the structural engineer was aware that the building might be significant, either in its own right as part of the listed building or in terms of its role within the historic pattern of buildings between the Market Place and Chapel Street. Nor is it known whether the faults described prevent retention and re-use.
- 5.10 Considering all of the above it is felt that the case for demolition has not been conclusively made. Apart from the loss of historic fabric, the heritage impact of the proposal must be considered in terms of the quality of the proposed replacement buildings. Architecturally the terrace of four dwellings is simple, reflecting the utilitarian nature and unadorned nature of nearby buildings on Chapel Street. The terrace follows the prevailing east-west alignment of buildings fronting Chapel Street and would not challenge the adjacent listed building in terms of scale. However, the set-back required to provide off-road uncovered parking means the development would not follow the prevailing pattern. On balance it is considered that an opportunity to create something distinctive, reflecting the grain of development and the historic relationship between Chapel Street and the Market Place, e.g. simpler buildings on the former appearing subsidiary and subservient to grander buildings, such as The Golden Fleece and The Three Tuns, on the former has not been taken.
- 5.11 The Ancient Monument Society object to the application as the submitted Heritage Statement falls short of the standard expected in that a detailed assessment of the significance of the buildings both on the site and adjacent to it has not been made and as such justification for the demolition of buildings has not been made. There is no suggestion that this objection stems from a desire to prevent demolition per se, but rather than a more robust approach is necessary to ensure harm is not caused. It would be reasonable to assert that justification may be possible, particularly if a sensitive scheme for redevelopment were proposed that reflects the existing significance of the site – i.e. its layout and form.

- 5.12 Given the limited justification for the proposal within the Heritage Statement and the Planning Statement there is considered to be a risk that the development would lead to substantial harm to heritage assets. That harm would be the significant alteration to the scale and location of buildings on the site to the detriment of the setting of the listed former stables and dovecot to which the buildings have some relation.
- 5.13 Paragraph 133 of the NPPF states that where substantial harm would be caused to a heritage asset or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.14 There is an absence of evidence to demonstrate that the exceptions above have been met through the option of retaining at least some of the existing buildings and there insufficient information on whether other options for development that might be more appropriate to the historic setting were explored.

Loss of Employment Land

- 5.15 The site's most recent lawful planning use has been as an abattoir, it is alleged that more recently a storage use has commenced, however this does not benefit from planning permission. Regardless of that, the proposed residential development would result in the loss of an employment site. Policy DP17 seeks to safeguard employment uses unless an exception can be demonstrated.
- 5.16 Use as an abattoir would have the potential to create amenity problems for neighbouring occupiers, although no evidence of historic nuisance has been provided. However, that use ceased some time ago and there is no detail submitted as part of the application of efforts made to market the site for commercial purposes in order to demonstrate that a suitable or viable employment use cannot be found.
- 5.17 Despite the limited information submitted in this regard, on the balance of probability an abattoir use would be potentially disruptive to neighbours and its removal would therefore be beneficial to amenity. It would also be likely to reduce vehicle movements associated with the site, which the Highway Authority notes would be from an existing substandard access. The loss of an employment use would not therefore warrant refusal of the 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 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.
- 5.22 The Statement describes the character of the surrounding area as being sandwiched between Thirsk Market Place and Thirsk and Sowerby Leisure Centre with properties between the Market Place and Chapel Street reflecting their historic relationship as service yards and passageways. Properties are described as broadly fronting the back of the highway. The statement notes that building lines and architectural form are key features of the area’s character.
- 5.23 No site features worthy of retention were identified, the supporting statements identify the buildings as structurally dilapidated and having been altered to such an extent their architectural value has been lost. The scheme proposes wholesale demolition and replacement with an entirely new form of development. The application suggests the redevelopment offers the opportunity to make a positive improvement to the area, to the benefit of the Conservation Area and adjacent listed building.
- 5.24 It is noted that the buildings are in a poor state of presentation and have been altered in ways that are not sympathetic to their appearance, that of the adjoining former stables and dovecot or the wider Conservation Area; however that in itself does not detract from the value the buildings hold in terms of their presence, built form and historic association. It is very apparent that the buildings are subservient ancillary structures that are both physically linked and viewed in association with the former stables and dovecot. They establish the immediate setting and curtilage of the principal building, irrespective of whether they have later been separated in terms of their ownership.
- 5.25 The proposed development is designed in such a way that it bears no relationship with the current built form of the site either in scale or position within the plot. That is not to say that the houses themselves are of an unattractive design that could not be accommodated within Chapel Street or that the existing buildings are of such historic architectural value that robust justification for demolition could not be made to allow for a suitable replacement. The value of the site lies in its relationship with those buildings around it, the buildings contribute to the significance of the principal listed building by demonstrating their former use and that of the wider area. It is possible that a redevelopment that reflected the existing built form could be feasible, however that does not appear to have been considered and has not been put forward.
- 5.26 The proposed dwellings would be set back from the highway, which is uncharacteristic of the immediate area, as identified in the supporting statements. While the proposed houses would be lower in height than the former stables and dovecote, they are not entirely subservient to them in the way the existing single storey buildings are.

- 5.27 It is evident from the supporting statements that no community consultation took place and no alternative forms of development have been considered.

Access and Parking

- 5.28 The originally submitted scheme included the introduction of vehicular access across the full frontage of the site in order to serve parking spaces, this arrangement would have created substandard visibility and as such the Highway Authority objected. The revised plans show access being formed to the west of the site, with appropriate visibility splays achieved.
- 5.29 Following re-consultation the Highway Authority has confirmed its concerns have been overcome and therefore it no longer objects, subject to standard conditions regarding the provision of access, turning and parking areas, and appropriate site management during construction.

Residential Amenity

- 5.30 Concerns have been raised regarding the potential impact of the proposed redevelopment on the amenity of adjacent occupiers. The buildings it is proposed to demolish sit alongside a public footpath, on the other side of which stand a building in commercial use and an end of terrace dwelling. The proposal would see the single storey buildings replaced by taller ones 9.1m in height.
- 5.31 The neighbouring property is two-storey with a single-storey offshoot, its rear elevation is north facing. There is approximately 3.5m between the offshoot and the rear elevation of the adjacent commercial building, increasing to 10m between the first floor of the dwelling and the neighbouring building. The existing boundary wall to the rear yard of the neighbouring dwelling is more than 2m in height. Given the existing arrangement of buildings and orientation of the building the proposal would have no impact on any ground floor windows.
- 5.32 There would be a measurable loss of light to the existing first floor window in the rear elevation of the neighbouring property arising from the increase in height of the proposed buildings. However, given the built-up nature of the area and its orientation, it is not considered this loss would be so significant in itself to warrant refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. Part of the buildings proposed for demolition is considered to be listed grade II and has historic significance and for this reason the development would cause substantial harm to a heritage asset. It has not been demonstrated that this part of the site could not be retained and re-used. Furthermore, the proposed form of development fails to reflect the character and appearance of this part of the Thirsk and Sowerby Conservation Area and the historic relationship between buildings on Market Place and Chapel Street. The proposed demolition and redevelopment would therefore fail to preserve the building and its features and would fail to preserve or enhance the character and appearance of the Thirsk and Sowerby Conservation Area, contrary to Hambleton Local Development Framework policies CP16 and DP28 and NPPF paragraph 133.

This page is intentionally left blank

Parish: Sowerby
Ward: Sowerby & Topcliffe

Committee date: 17 August 2017
Officer dealing: Laura Chambers

12

17/00894/LBC

Listed Building Consent for the demolition of former abattoir buildings and construction of four three bedroom dwellinghouses to include access, parking, landscaping and means of enclosure

At H Lee and Son, Chapel Street, Thirsk

For Mr A Abbott

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a former abattoir on the south side of Chapel Street, to the north of the Thirsk and Sowerby Leisure Centre. It is a collection of single storey buildings principally constructed of painted brickwork with clay pantile roofs but after being variously altered some parts of the buildings include the use of concrete blockwork and corrugated sheeting. There is a 2m brick boundary wall with coping to the perimeter of the site.
- 1.2 The site is within the Thirsk and Sowerby Conservation Area and forms part of the former curtilage of the adjacent furniture workshop at 18-20 Chapel Street. Although now separated in title, the two sites were previously the stable block and dovecot of The Three Tuns Hotel. The area comprises a mixture of uses with commercial properties alongside a number of residential properties, some being conversions others being recently constructed infill developments.
- 1.3 Permission is sought to demolish the existing buildings on the site and construct a terrace of four dwellings described in the report on application 16/01139/FUL. This application seeks listed building consent for the demolition.
- 1.4 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 16/01139/FUL – Demolition of former abattoir buildings and construction of a terrace of 4, three bedroom dwellings to include access, parking, landscaping, gardens and boundary treatment; Pending consideration.
- 2.2 17/00150/CAT3 – Alleged change of use from an Abattoir (sui-generis) to a place for the storage of building materials (B8); Investigation ongoing.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable Development
Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Development Policy DP28 – Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see approved.
- 4.2 Historic England – Does not need to be consulted.
- 4.3 The Council for British Archaeology – No comments received.
- 4.4 Public comments – One objection has been received regarding loss of light. (Officer note: this is material to the planning application, not the application for listed building consent.)

5.0 OBSERVATIONS

- 5.1 Notwithstanding the description of development, which follows the description of the associated planning application, the sole issue to consider is the impact on heritage assets, primarily the grade II listed building.
- 5.2 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.
- 5.3 On assessment of the application it is considered that it would lead to substantial harm to heritage assets. That harm would be the significant alteration to the scale and location of buildings on the site to the detriment of the setting of the listed former stables and dovecot to which the buildings are attached (and to which it is considered part of the buildings relate in terms of historic association and listing).
- 5.4 The Ancient Monuments Society object to the application as the submitted Heritage Statement falls short of the standard expected in that a detailed assessment of the significance of the buildings both on the site and adjacent to it has not been made and as such justification for the demolition of buildings has not been made. There is no suggestion that this objection stems from a desire to prevent demolition per se, but rather than a more robust approach is necessary to ensure harm is not caused. It would be reasonable to assert that justification may be possible, particularly if a sensitive scheme for redevelopment were proposed that reflects the existing significance of the site – i.e. its layout and form.
- 5.5 Paragraph 133 of the NPPF states that where substantial harm would be caused to a heritage asset or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
 - The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.6 There is insufficient evidence to conclude that the exceptions above have been met, in particular with this application in terms of retaining and re-using the existing building considered to be listed grade II.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed demolition would be detrimental to the integrity of a listed building and insufficient evidence has been provided to demonstrate that the fabric of the listed building cannot be retained and re-used. As such the proposal is contrary to Hambleton Local Development Framework policies CP16 and DP28 and NPPF paragraph 133.

This page is intentionally left blank

Parish: Sutton-under-Whitestonecliffe
Ward: Bagby & Thorntons
13

Committee date: 17 August 2017
Officer dealing: Mrs Justine Forrest
Target date: 18 August 2017

17/01312/FUL

Revised application for the demolition of a conservatory and construction of a two storey extension to dwelling
At Oakwell Barn, Fountains Court
For Dr Ian Wellings

This application is referred to Planning Committee at the request of Councillors Dadd and Baker

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Oakwell Barn is a stone dwelling, originally an agricultural barn, on the southern side of A170 toward the western end of the village, within the Sutton under Whitestonecliffe Conservation Area. It seeks to replace a single storey conservatory in a side garden area with a two storey extension in natural stone with pantiles to match the main dwelling.
- 1.2 The side garden is enclosed by a boundary fence approximately one metre high. There are neighbouring properties on each side and to the rear and the nearest of these to the proposed extension, Bramble Cottage, is a bungalow.
- 1.3 The proposal incorporates changes in design form a similar scale extension refused in December 2016. The changes are:
- Deletion of an upper floor Juliet balcony in the rear elevation;
 - Hipping the roof to reduce risk of overshadowing;
 - Replacement of a large window in the west ground floor elevation (facing Bramble Cottage) with two small obscure glaze windows; and
 - A smaller stove pipe on the west elevation.
- 1.4 Overall, the changes result in a more traditional and less contemporary style.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02190/FUL - Demolition of a conservatory and construction of a two storey extension to dwelling to include a Juliet balcony; Refused 6 December 2016.

The reasons for refusal were:

1. The proposed development would have a significant detrimental impact upon the amenities of the immediate residential neighbouring properties, due to the scale, projection and position of the two storey extension, resulting in an unacceptable overbearing impact, with the potential for overlooking, which is contrary to the Hambleton Local Development Framework Policy CP1, DP1, CP17, DP28 and the NPPF (in particular paragraph 56).
2. The two storey extension will have an unacceptable visual impact upon the character and appearance of the Conservation Area. The proposed development is contrary to Local Development Framework Policies CP16, CP17 and DP28 as the resulting development does not achieve a high quality of design or protect

the historic character of the Conservation Area. The proposed extension would be harmful due to the inappropriate design.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP1 - Protecting amenity
Domestic Extensions Supplementary Planning Document, adopted December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Wishes to see the application refused on the ground that the mass of the two storey extension is too overpowering for the neighbouring property.

4.2 Environmental Health Officer - No objection.

4.3 Public comments - Five responses have been received expressing concerns about the size and two-storey for of the proposed extension. The specific objections are:

- The extension would be out of character
- It would fail the Domestic Extensions SPD's 45 degree code (which does not apply to side extensions);
- Overlooking;
- Noise; and
- Loss of sunlight.

The representations also mention an impact on house prices, which is not a planning consideration, and a proposed fence which does not require planning permission.

5.0 OBSERVATIONS

5.1 The main issues to be considered in this case relate to the impact of the proposal on (i) the character and appearance of the Sutton under Whitestonecliffe Conservation Area and the dwelling; and (ii) residential amenity.

Character and appearance

5.2 The second reason for refusal of the previous application related to the contemporary design and materials of the extension and its impact on the dwelling and the Conservation Area. It is considered that the more traditional style and materials of this revised proposal has successfully addressed that issue and the extension as now proposed would not have a harmful impact upon the dwelling.

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. The application is supported by a heritage statement that states that an alien and incongruous feature (the conservatory) would be removed and a sensitive extension that retains the agricultural character and features of the host dwelling put in its place. The

statement also notes that fenestration would now be in keeping with the host dwelling and would replicate the type of agricultural openings that would have been historically found on a converted building. The revisions to the flue have been based on guidance produced by Historic England on the conversion of historic barns and the statement considers that this has further enhanced the proposal. Assessment of the revised design has confirmed the foregoing and it is considered that the revised extension would not have any significant impact upon the Conservation Area and would not harm its significance as a heritage asset.

Residential amenity

- 5.4 The proposal would introduce a two-storey element in close proximity to a bungalow, in a side-by-side relationship. It is understood that the contrast between the two-storey and single-storey buildings can give rise to local concern, however, there is no reason to keep bungalows and houses separate as a matter of principle. This aspect of the proposal must be assessed in terms of its likely impact on the amenity of neighbours which, in the last application, was considered in terms of an overbearing impact and the potential for overlooking.
- 5.5 The report on the last application noted that the proposed installation of a ground floor windows facing Bramble Cottage had the potential for overlooking as the boundary fence is only approximately a metre in height. The replacement of that window with two obscure glaze slit windows overcomes the risk of overlooking. The Juliet balcony had been noted as having the potential for overlooking and its deletion has further addressed the previous reason for refusal. Considering the changes now made, it is not felt that the proposal would give rise to unacceptable overlooking.
- 5.6 Loss of daylight and sunlight was not cited as a reason for refusal of the last application; however, the roof of the extension is now shown with a hip feature in order to reduce any impact. The application is supported by a daylight and sunlight assessment, which indicates that there would be a very low impact on the light received by neighbouring properties. There is no evidence to contradict this and it is therefore considered that the impact on daylight and sunlight would not justify refusal of permission.
- 5.7 However, the overall bulk and position of the extension would be very similar to the extension refused in December 2016. It would stand between 2 and 2½ metres from the boundary with Bramble Cottage, projecting beyond the rear wall of the bungalow by a similar distance and it is considered that this proximity to the relatively shallow back garden and secondary facing windows of the bungalow would give rise to an unacceptably dominant and overbearing relationship.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development would have a significant detrimental impact upon the amenities of the immediate residential neighbouring property due to the scale, projection and position of the two storey extension, resulting in an unacceptable overbearing impact, contrary to Hambleton Local Development Framework policies CP1 and DP1.

This page is intentionally left blank

Parish: Topcliffe
Ward: Sowerby & Topcliffe
14

Committee date: 17 August 2017
Officer dealing: Miss L Chambers
Target date: 24 August 2017

17/00807/FUL

Four detached houses
At Anchor Dykes, Station Road, Topcliffe
For Mr & Mrs Corps

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 located to the north of the village of Topcliffe, to the east of the A167 between Topcliffe Primary School to the south and Anchor Dykes, a dwelling in the ownership of the applicant, to the north. The site is currently in use as a pony paddock.
- 1.2 The site is primarily bounded to the west and south by hedgerow, with post and rail fencing to the east and north, with a further section at the south west corner. There are a number of mature trees along the western boundary that are subject to tree preservation orders.
- 1.3 The site is beyond the Development Limits and the northern extent of the Topcliffe Conservation Area.
- 1.4 Permission is sought to form an access to the A167 to the north of the application site in order to create a private drive serving four dwellings. It is proposed that two two-storey, four bedroom dwellings would front the highway, taking pedestrian access only from the front, while there would be two one dormer bungalows to the rear (east) of the site, one with two bedrooms the other with three bedrooms.
- 1.5 Plots 1 and 2 would be served by semi-detached garages and hardstanding at the rear while plots 3 and 4 would each have attached garages with driveways; each property is indicated to have four parking spaces.
- 1.6 The site layout indicates a portion of the existing pony paddock would become part of the garden area to the host property, Anchor Dykes.
- 1.7 Improvements have been secured as follows: the proposal has been revised following the previous application being withdrawn; this includes removal of parking facilities intended for the staff of the neighbouring school that were unlikely to work in practice. The previously proposed shared bin store would have been detrimental to visual amenity and has been omitted. The house types have been revised to better reflect housing needs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00953/OUT – Outline application for the construction of six dwellings; Refused 21 July 2004.

04/01604/OUT – Outline Application for the construction of two dwellings; Refused 30 September 2004.

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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
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 DP33 - Landscaping
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.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection; requests imposition of contaminated land conditions identified as part of previous application.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Ministry of Defence – No safeguarding objections.
- 4.6 Public comments – One objection has been received, the issues raised include congestion associated with the adjacent school and highway safety.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site falls outside of Development Limits of Topcliffe 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 "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 includes an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Topcliffe is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is positioned between other buildings that, although also beyond Development Limits, are closely related to the village. As such, if the site were developed it would not be isolated from the village. Neither would it result in the coalescence of settlements or be detrimental to the open character of the surrounding countryside. In view of the size of Topcliffe and the number of dwellings proposed, it is considered that the development would result in small scale growth appropriate to the character of the village.

Housing mix

- 5.6 Policy CP8 of the Core Strategy requires proposals for housing to take account of local housing need in terms of size, type and tenure. The Council has an up to date Strategic Housing Market Assessment that identifies the principal need across the district is for smaller two and three bedroom dwellings, particularly bungalows, with a lesser requirement for larger homes.
- 5.7 The proposal includes a range of house types with a two-bedroom one dormer bungalow, a three-bedroom dormer bungalow and two four-bedroom two-storey houses. This mix would introduce variety to the appearance of the development while also addressing the identified housing needs of the area.

Highway safety

- 5.8 Public concerns have been raised with respect to the proximity of the site to the primary school to the south and whether the introduction of an additional access point and increased vehicle movements would exacerbate existing parking and highway safety considerations, particularly at peak drop off and collection times for the school.
- 5.9 Site visits have been carried out during both the morning and afternoon peaks for the school and it is evident that during these periods the area experiences an influx of parked cars as children are dropped off or collected. School staff generally arrive before parents in the morning and remain on site after the collection period in the afternoon, they currently park close to the school building and parents double park behind for short periods. Parked cars also increase along the main road during drop off/collection times.
- 5.10 While acknowledging that the school brings traffic and parked cars to the vicinity, this is for short periods twice a day during term time and does not impact on the highway at other periods or at weekends and during school holiday periods. The introduction of a new access point to serve the development would reduce the availability of on-street parking for parents but would not preclude on street parking entirely and the Highway Authority is satisfied it can be formed without detriment to highway safety.

- 5.11 The previous application submitted for the site included a parking area intended for the use of staff at the school; however there were questions about the feasibility of this proposal and whether it would worsen parking arrangements in the area, and as such undermined the merits of the proposal. This element of the proposal has been omitted and as such those highways concerns do not arise with this application.

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 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."
- 5.15 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. The submitted Design and Access Statement does not refer to public consultation, which would have been discretionary, but does highlight changes that have been made to the proposal following concerns raised by officers in relation to the previous submission.
- 5.16 The character of the village is principally defined by the use of facing brickwork and pantiles, although a small number of properties utilise materials such as render and slate roofing. There is a range of house types and styles but these are unified by the use of common materials. The majority of properties front the public highway with a small number of cul-de-sacs.
- 5.17 The proposed layout fronting the highway with additional dwellings behind is appropriate within the context of the village and although there is not a single architectural style within the village, the proposed use of bay windows and chimneys reflects some existing properties in the vicinity. The appearance of the proposed properties would as a result be sympathetic to the character of the wider area.
- 5.18 The application form indicates the use of facing brickwork and a range of roofing materials, while noting there are examples of different materials in the area and that those proposed may individually be acceptable, there is no clarity as to which materials are proposed for which property. Should permission be granted the use of suitable materials could be effectively managed via a condition requiring samples and a schedule to be submitted for approval.

- 5.19 It is proposed to retain the trees and hedges on the boundary of the site; this would assist in softening the appearance of the development while retaining the attractive setting the existing landscaping provides.
- 5.20 Overall, the proposed development is considered to represent small scale growth within a sustainable village location, in line with the aspirations of the NPPF and IPG.

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 Location plan and proposed site layout received by Hambleton District Council on 02/06/17, and all other submitted details received by Hambleton District Council on 11/04/17 unless otherwise approved in writing by the Local Planning Authority.
 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. 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: (d) The crossing of the highway verge and footway shall be constructed in accordance with the approved details and Standard Detail number E6VAR; (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 highway; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 5. 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 splay areas are provided giving clear visibility of 43 metres measured along both channel lines of the major road 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.
 6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Site Plan 22871 revision A). Once created these 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 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 consultation with the Highway Authority agrees in writing to their withdrawal.

8. 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; and (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.
9. 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.
10. Details of the proposed landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site prior to the first occupation of any of the dwellings 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 CP17 and 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.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
10. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.

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. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to condition 4.

This page is intentionally left blank

Parish: Welbury

Ward: Appleton Wiske and Smeatons

15

Committee date: 17 August 2017

Officer dealing: Peter Jones

Target date: 21 August 2017

17/00784/FUL

Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins

At The Duke of Wellington, Welbury

For Levendale Properties Limited

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site forms part of the car park and garden to the rear of the Duke of Wellington Public House. the site runs out from the rear of the public house at grade before a relatively steep slope down to the remaining area of the rear garden. The site is bounded to one side by the rear garden of Rosedene and to the other by partially redundant farm buildings. To the rear of the site the area runs out to open countryside.
- 1.2 The application, as amended, is for seven letting rooms within a new brick built structure within the car park and for the construction of three self-contained chalet units in the rear garden area. The original submission was for four chalet units but the one that was proposed closest to the boundary with Rosedene has been removed during the course of the application. The application also proposes a re-design of the car parking area to allow for the proposed development.
- 1.3 The proposed development of the seven additional letting rooms would involve the demolition of an outbuilding and construction of a new building which would be physically adjoined to the present bed and breakfast building, by way of replacing the existing external staircase and projecting 90 degrees to it. The building would measure 14m long by 9m deep with an overall ridge height of 6.8m. The building would provide two bedrooms and one family room at ground floor with four bedrooms at first floor. Each unit would contain en-suite facilities with the upper rooms having balconies to the rear elevation. The southern roof plane would contain two rows of solar panels which would be black in colour.
- 1.4 The proposed chalet units measure 13.4m long and 6m wide with a ridge height of 4.9m. A decking area would extend a further 1.6m from the rear elevation. The cabins would provide three bedrooms, kitchen and bathroom.
- 1.5 The proposed chalets are of timber framed construction with grey coloured slate roof tiles with six solar panels fixed to each roof plane.
- 1.6 The site currently provides a total of 23 car parking spaces, 13 in the rear car park and 10 in the front car park. The proposed revision to the car parking arrangements would increase the provision to the rear to 29 spaces along with the 10 spaces to the front unchanged.
- 1.7 Through the course of the application the applicant has sought to address the concerns of neighbouring occupiers by removing one of the chalet units from the

scheme. Additional information has also been provided with regard to the layout of the car park and the impact of the slope on the scheme.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 09/00109/FUL - Alterations and extensions to outbuilding to form five bed and breakfast units; Granted 10 March 2009.
- 2.2 09/02689/FUL - Change of use of restaurant to form a dwelling; Refused 17 November 2009 and appeal dismissed. 7 September 2010.

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 CP12 - Priorities for employment development
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP10 - Form and character of settlements
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Recognises that the number of log cabins has been reduced from four to three but still considers the scale of the development to be too large for the village. Specific comments are:

- The main structure incorporating the seven extra bedrooms will be extremely dominant at the rear of the pub;
- The car parking scheme in the amended drawing is not accurate and very confusing. The proposal as detailed in the drawing does not add any parking. Taking into consideration the number of parking spaces that will be occupied by residents of the pub, there are no real extra spaces for general pub customers, therefore on street parking will be increased significantly; and
- The proximity of the new building to the boundary on the west side means the vehicle egress will be considerably narrower than at present and could cause major access problems.

The Parish Council also notes that the Duke of Wellington is a significant asset to the village and would not wish to lose it.

Following receipt of the revised drawings, the Parish Council has re-iterated its concerns.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to condition regarding working hours during development.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Public comments – Eleven representations have been received, summarised as follows:
- The scale of the development is harmful;
 - The expansion will exacerbate problems already experienced with the pub;
 - Loss of privacy and impacts through overshadowing;
 - The access is not suitable for the level of use proposed and is owned by the neighbouring property;
 - Potential flooding due to the proximity of a nearby well;
 - The development has commenced;
 - Noise, disturbance and increase in anti-social behaviour;
 - Insufficient on-site parking;
 - Impact on sewerage systems;
 - The proposed development is at odds with the development form and character of the village;
 - The proposed brick structure would create a harmful form of enclosure to Rosedene; and
 - A more modest development could be created to support the pub business.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location, including the viability of the public house as a community asset; (ii) the impact of the proposal on neighbour amenity; (iii) the impact of the proposal on the character and appearance of the site and the area; and (iv) the impact of the proposal on highway safety.

Principle and the viability of the community asset

- 5.2 Welbury did not appear in the Settlement Hierarchy published in the Core Strategy and as such an exceptional case for the development on one of the grounds identified in policy CP4 must be made if the proposal to be considered to accord with the Development Plan. Welbury is listed as an Other Settlement within the updated Hierarchy published with the Council's Interim Policy Guidance (IPG) on development in smaller settlements, but this is concerned with new housing and therefore does not apply to this proposal.
- 5.3 Core Policy CP4 sets out the exceptional cases, including criterion i, where the development is necessary to meet the needs of tourism, and criterion vi, which favours development where it will support the social and economic regeneration of rural areas. In this case the applicant has sought to demonstrate an exceptional case in terms of the development being tourism development, advising that the development would support an existing business and local service, something which is offered support by Development Policy DP5, which seeks to protect community facilities.

- 5.4 Support can be offered for the principle of holiday accommodation in this location in line with policy CP4. However, given the nature and form of the site it is considered necessary to assess the quotient of development in terms of the sustainability of the current public house business and the impact of the proposed development.
- 5.5 The applicant has put forward accounts which suggest that the current business is at best marginal. The current owner has been marketing the business unsuccessfully, and the current application seeks to provide an improved offer on the site, in order to make the business more attractive to a potential purchaser.
- 5.6 The question of the need for the proposed number of letting rooms and chalet units has been put to the applicant due to the potential impact on neighbouring residential properties, with a view to establishing what quotient of development would be necessary to protect the public house business.
- 5.7 This has resulted in a reduction in the scale of the development through the removal of one of the chalet units. The applicant states that due to the level of works to the car park, ground works and services the quotient of development now proposed is necessary in order to make the proposal viable.
- 5.8 Given the policy support for the principle of holiday accommodation in this location, combined with the benefits to the sustainability of the existing business, the scale of development proposed is considered acceptable in these terms. The impact of this scale of development on amenity and highway safety are considered separately below

Residential amenity

- 5.9 As with any operation of its type, the current public house use and associated letting rooms have the potential to cause harm to the residential amenity of neighbouring occupiers. The likely increase in activity at the premises, along with a greater concentration of activity toward the rear of the premises, has the potential to increase the impact on neighbour amenity.
- 5.10 Impacts are likely to come from a number of sources including noise and disturbance from vehicular traffic in close proximity to the immediate neighbours adjacent to the access; impacts from the activity of residents as a result of noise generated from external activity by groups staying on site, along with everyday noise from holiday makers.
- 5.11 These impacts are considered to potentially affect two neighbouring properties that adjoin the application site. However, the majority of the impacts would affect the neighbouring property at Rosedene.
- 5.12 The neighbour at Rosedene owns the access to the rear of the public house, over which the pub has a right of access. Whilst this is a private matter and not directly of relevance to the planning application, it is understood that this right would also apply to the proposed development if it went ahead. However, if that is not the case, the occupiers of Rosedene have a private legal remedy to their concerns.
- 5.13 The access runs immediately adjacent to the gable wall of Rosedene and alongside part of the rear boundary. An increase in vehicular activity in this setting would have some impact on residential amenity. However, due to the nature of the existing occupation of the site and use of the car park, compared with the profile of use likely to be experienced as a result of the proposed development, it is not considered likely that this additional impact would be sufficiently harmful to warrant refusal of planning permission.

- 5.14 The other main area of concern in terms of residential amenity is the introduction of the chalet units to the rear garden area, which immediately adjoins the garden to the rear of Rosedene.
- 5.15 The garden area currently bounds a somewhat under-utilised area to the rear of the public house, which is laid to grass. This area is considered to be within the lawful use of the public house and as such could be used in connection with functions held at the pub or as a beer garden. The applicant has recognised the potential for impact on the neighbours and has omitted the chalet nearest to the boundary in an attempt to mitigate any harm.
- 5.16 Environmental Health officers have assessed the scheme and have not raised any objection to the proposal and it is generally considered that whilst there would be a change in the experience of the neighbouring residential occupiers, the proposed development would not have a significant adverse impact on their amenity to the point that would warrant a recommendation of refusal. Given the position of the proposed cabins at the far end of the plot, away from the more sensitive parts of adjacent garden areas, safeguards can through the imposition of conditions relating to the positioning of windows and doors in the chalets and landscaping on the boundaries are not considered necessary in this case.

Design

- 5.17 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."
- 5.18 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.
- 5.19 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. The NPPF also states:

"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."

There is no indication that such discussion took place in this instance, although it is not mandatory.
- 5.20 The proposed letting rooms follow the existing vernacular of the site, utilising matching designs and materials. This element of the scheme would fit comfortably with the other buildings on the site and is considered to be acceptable in design terms.
- 5.21 The chalet buildings would be set physically apart from the main part of the site and would differ from the public house and surrounding development in terms of their design and siting. However, they would be relatively low key in terms of height, size, form, and detailing. Given the separation from the main built form of the village and the nature of the land form in the vicinity of the application site, the proposed chalets

would be obscured from public view and as such have little impact on the character and form of the village.

Highway safety

- 5.22 The proposal does not seek any amendment to the access arrangements apart from modifications to the car parking to the rear of the public house which is within the control of the public house.
- 5.23 The Highway Authority does not object to the application and notes that the access is in the ownership of Rosedene, with the public house enjoying a right of access. As noted earlier, the right or otherwise for the additional use of the access is a civil matter and is not considered to be material to the determination of the application. The proposed development is considered to have no detrimental impact on road safety.

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 received by Hambleton District Council on **** unless otherwise approved in writing by the Local Planning Authority.
 3. Development shall not commence in the relevant area of the site until evidence has been submitted to and approved by the Local Planning Authority that the surface water sewer laid along the northern boundary of the site has been site surveyed to ascertain the precise position, diameter and depth of the pipe in order to determine the required building stand off distance required. Furthermore, construction in the affected area shall not commence until appropriate protection measures have been fully implemented.
 4. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
 5. No construction work shall take place on site outside of the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays - these times shall also apply to construction and delivery vehicles associated with construction entering or leaving the site - there shall be no working on Sunday or Public Holidays.
 6. The development must comply with the following requirements that: (i) The accommodation hereby approved shall only be occupied for holiday purposes; (ii) The accommodation shall not be occupied as a person's sole, or main place of residence; (iii) The accommodation 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.

7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed and marked out in accordance with the submitted drawing (Reference TPS003A/2017). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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. 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) the parking of vehicles of site operatives and visitors; (b) delivery, loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; and (d) wheel washing facilities.

The reasons for the conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) *****.
3. To ensure the protection of the public sewer and the structural stability of the proposed cabins and to accord with the requirements of Development Policy DP6.
4. To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with the requirements of Development Policy DP6.
5. In order to protect the amenity of neighbouring occupiers and to accord with the requirements of Development Policy DP1.
6. In order to ensure that the development hereby approved is not occupied by as any person's permanent home and to ensure that the development contributes to the sustainability of the public house.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of policy DP3.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to accord with the requirements of Development Policy DP3.

This page is intentionally left blank