

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 6 September 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**

Date **Thursday, 14 September 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 MEMBER TRAINING COMMENCING AT 10.00am REGARDING AN UPDATE ON APPEALS AND THE LOCAL PLAN PROGRESS (DRAFT SITES AND POLICIES)

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 17 August 2017 (P.9 - P.10), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
17th August, 2017 at Council Chamber, Civic
Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	B Phillips
	Mrs B S Fortune		C Rooke
	K G Hardisty		D A Webster
	C Patmore		

Also in Attendance

Councillor	M S Robson	Councillor	S Watson
	Mrs I Sanderson		

Apologies for absence were received from Councillors J Noone, D M Blades, S P Dickins and A Wake

P.9 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 July 2017 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 **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) 16/02735/OUT - Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access at Little Hornby Farm, Appleton Wiske for Mr John Adams

PERMISSION GRANTED

- (2) 17/00308/OUT - Outline Application for one replacement dwelling and construction of one new dwelling with new vehicular access at Little Hornby Farm, Appleton Wiske for Mrs Wendy Youll

PERMISSION GRANTED

- (3) 17/01223/OUT - Outline application with all matters reserved for the construction of 2 dwellings with provision of new access to the public highway at West View, Bagby Lane, Bagby for Mrs Debbie Price

PERMISSION GRANTED with an informative asking that consideration be given to constructing two bungalows or dormer bungalows on the site.

(The applicant's agent, Tim Axe, spoke in support of the application).

- (4) 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 as amended by additional details received on 21 March 2017 and 26 June 2017 at Helperby Hall, Main Street, Helperby for Sir Anthony Milnes Coates

PERMISSION GRANTED subject to amended plans to show use of the eastern gateway and conditions to require controls on the number of events and timing of activities.

(The applicant's agent, Neil Swain, spoke in support of the application).

- (5) 17/01383/FUL - Three dwellings at Land east of Mustard Field House, Church Wynd, Burneston for Mr D Blythman

PERMISSION GRANTED

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

(Jonn Penty spoke on behalf of Burneston Parish Council objecting to the application.)

(Elizabeth McIntyre spoke objecting to the application.)

- (6) 15/02666/FUL - Construction of an agricultural storage building at Longbridge House Farm, Stillington Road, Easingwold for Mrs Jane Grant

The Committee recommends to the Planning Inspectorate that the appeal be DISMISSED as the development is contrary to Development Plan policy and 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.

(The applicant's agent, Bob Beale, spoke in support of the application).

Disclosure of Interest

Councillor C Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (7) 17/00383/FUL - Construction of a dwelling at The Cottage, Flawith for Mr E Moorey

WITHDRAWN

- (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

That the details submitted for discharge of Condition 16 be AGREED on the understanding that they will be implemented in full before pedestrian access from the site to the public footpath is reinstated with an informative that:

- (1) Hambleton District Council urges Network Rail, David Wilson Homes Yorkshire (East) Division, Barratt Homes and North Yorkshire County Council Public Rights of Way department to fully co-operate in either diverting or stopping at the earliest opportunity the footpath crossing the East Coast Main Line.
 - (2) Hambleton District Council (Planning Committee) are making this informative in order that all relevant parties are fully aware of the safety benefits of achieving this improvement.
- (9) 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 Willow Beck Public House, Finkills Way, Northallerton for Crown Care

PERMISSION GRANTED subject to amendments to Conditions 13 and 14 to require the provision of visitor parking.

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

- (10) 16/02529/OUT - Outline application for a new dwelling with details of access and layout at Hope Farm East, Sandhutton for Mr John Beamson

PERMISSION GRANTED

- (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

PERMISSION GRANTED because the Committee considered the scheme enhanced the character and appearance of the conservation area.

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

- (12) 17/00894/LBC - 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

PERMISSION GRANTED because the scheme would not harm any features of special architectural or historic interest.

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

- (13) 17/01312/FUL - Revised application for the demolition of a conservatory and construction of a two storey extension to existing dwelling at Oakwell Barn, Fountains Court, Sutton-under-Whitstonecliffe for Dr Ian Wellings

PERMISSION REFUSED

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

(Richard Hadley spoke objecting to the application.)

- (14) 17/00807/FUL - Four detached houses for at Anchor Dykes, Station Road, Topcliffe Mr and Mrs Corps

PERMISSION GRANTED

(The applicant's agent, Dan Hockey, spoke in support of the application).

- (15) 17/00784/FUL - Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins at Duke of Wellington, Welbury for Levendale Properties Ltd

DEFER for further consideration of the details of the scheme, the site and the surroundings.

The meeting closed at 4.05 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 14 September 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 14 September 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/01532/OUT Mrs C Strudwick Alne Page no: 11	Outline application for (some matters reserved) 2 dwellings with garages and associated infrastructure For: Mr T W Clark At: Land off Back Lane, Main Street, Alne RECOMMENDATION: GRANT
2	17/00495/FUL Mr K Ayrton Borrowby Page no: 19	Five dwellings For: Mr Nigel Speight At: Land east of Bedlam Hill, Borrowby RECOMMENDATION: GRANT
3	17/01020/FUL Miss L Chambers Carlton Miniott Page no: 29	Change of use of agricultural land; siting of 70 holiday lodges (caravans)(as amended 21 August 2017); construction of single storey leisure facilities building; circulation; car parking and landscaping For: Coppergreen Developments Ltd At: Woodland Lodges, Carlton Road, Carlton Miniott RECOMMENDATION: GRANT
4	17/00519/REM Mr T Wood Easingwold Page no: 39	Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 175 dwellings For: Kier Living At: Land off Stillington Road, Easingwold RECOMMENDATION: GRANT
5	17/01431/OUT Mr K Ayrton Great Ayton Page no: 75	Outline application (all matters reserved) for the construction of 5 bungalows For: Mr & Mrs P Scrope At: Land east of Langbaugh Ridge, Guisborough Road, Great Ayton RECOMMENDATION: REFUSE
6	16/01987/OUT Mr T Wood Husthwaite Page no: 81	Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings For: Mr & Mrs Walker At: The Garage, Low Street, Husthwaite RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/01331/OUT Miss L Chambers Husthwaite Page no: 91	Outline planning application, including access, with all other matters reserved for a single residential dwelling For: Mr Thomas Carter At: Land at Bye Green, Low Street, Husthwaite RECOMMENDATION: REFUSE
8	17/01296/FUL Miss C Cornforth Knayton with Brawith Page no: 97	Side extension and front porch For: Mr Peter Johnson At: 1 Moor Rise, Knayton RECOMMENDATION: REFUSE
9	17/00006/TPO1 Mrs H Laws Scruton Page no: 101	Hambleton District Council (Scruton) Tree Preservation Order 2017 No.6 Owner: Mr Richard Dennison At: Land North Of Lime Tree Cottage, Hamhall Lane, Scruton RECOMMENDATION: CONFIRM
10	17/00877/FUL Mr K Ayrton Stokesley Page no: 105	Construction of 45 retirement living apartments, 8 affordable apartments, provision of communal facilities, car parking, substation For: McCarthy & Stone Retirement Lifestyles Ltd At: Land east of White House Farm, Stokesley RECOMMENDATION: REFUSE
11	17/01561/FUL Ms C Cornforth Thirsk Page no: 115	Detached bungalow with associated access and parking For: Mr Mark McColmont At: Rear of 131 Long Street, Thirsk RECOMMENDATION: GRANT
12	16/01871/FUL Mr K Ayrton Thornton le Moor Page no: 121	Alterations and extension to public house and construction of 3 dwellings with garages For: Mr C. Sayer At: Black Swan, Main Street, Thornton le Moor RECOMMENDATION: GRANT
13	17/01347/FUL Mrs H Laws Thrintoft Page no: 133	Dwelling with detached garage and associated external works For: Mr Andrew Hutchinson At: The Byres, Thrintoft RECOMMENDATION: GRANT
14	17/01539/FUL Mrs H Laws Thrintoft Page no: 141	Detached dwelling For: Mr P Dixon At: Glencoe, Thrintoft RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
15	17/01341/FUL Mr K Ayrton Whorlton Page no: 149	Proposed pig finishing house For: Mr Andrew Dickins At: Wellington Farm, Ingleby Arncliffe RECOMMENDATION GRANT

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Parish: Alne
Ward: Easingwold
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Committee date: 14 September 2017
Officer dealing: Mrs C Strudwick
Target date: 22 September 2017

17/01532/OUT

Outline application for 2 dwellings with garages and associated infrastructure all matters except access are reserved for later approval
At Land off Back Lane, Village Farm, Main Street, Alne
For Mr T W Clark

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a rectangular, 0.12Ha, parcel of land located towards the north western corner of the village of Alne, within the Alne Conservation Area. The land is positioned between Jack Hole, the western end of Main Street, and Back Lane. Between the application site and Jack Hole is a development of converted agricultural buildings. To the north of the site is Back Lane and beyond a hedge a grass paddock. The site was last occupied by agricultural buildings which have been demolished, and partly removed.
- 1.2 Immediately to the south of the application site is the redeveloped farmyard of Village Farm consisting of 3 dwellings, 2 within converted barns and 1 within a reconstructed 'barn' style building along with a refurbished barn used for garaging and domestic stores. This application was approved under planning permission ref 15/00153/FUL.
- 1.3 In this area of Alne development is predominantly linear, with dwellings fronting onto Jack Hole and Main Street, with long rear curtilages extending to Back Lane. There has been some residential development to the south of Back Lane through conversion of buildings and new buildings but none are recent.
- 1.4 This outline application seeks permission for two 2 storey detached dwellings, with garages and access off Back Lane. It is anticipated by the agent that the built form will accommodate approximately 23% of the application site.
- 1.5 The matters for approval at this stage are access. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01513/FUL Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 and 5th November 2014; withdrawn 20 January 2015.

Note: the Ministerial Statement of 28 November 2015 that increased the threshold for the provision of affordable housing from that set out in the LDF policy from 2 to 10 units was significant in the case and lead to the withdrawal of the application.

- 2.2 15/00153/FUL Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings as amended by plans received by Hambleton District Council on 24 March 2015; Permission Granted April 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – the parish council remain neutral in regard to a recommendation for his application but request that the following matters are taken into consideration:
- Disappointed to see this proposal for development on an area that has been designated as being a paddock in the previous applications for development of the entire site 15/001513/FUL; 15/011761/FUL concerned that the proposed houses appear to be so large as to be out of proportion to those in the immediate vicinity;
 - Concern that land contamination is addressed, that the Back Lane is too narrow to sustain increasing amounts of traffic
 - Finally notes that the proposed development lies outside the existing Development Area of the village and within the Conservation Area.
- 4.2 Highway Authority – Recommends conditions relating the parking and turning and construction management
- 4.3 Environmental Health Officers – No objection to the scheme
- 4.4 Contaminated Land – Recommends conditions relating to the remediation of contaminated land.
- 4.5 Public comments – 9 comments of objection have been submitted, for the following reasons

- Incremental growth which will impact negatively on local amenity.
- Extended period of the inconvenience of ongoing building work locally
- The application site was shown as grass paddock in permission 15/00153/FUL, and should have been restored as such. The condition has not been met. The design and access statement offers this development as an improvement to the current state of site, however it was supposed to become a grassed paddock, which would have improved the condition.
- Unacceptable impact on neighbouring residents, including over shadowing and overlooking onto an outside seating area.
- Proposed pedestrian link from Jack Hole is across private property
- No information on the size of the dwellings
- No affordable housing contribution despite ongoing infilling on this site.
- The site is likely to be contaminated from decades of agricultural machinery being stored on site.
- Back Lane is narrow, with poor visibility. The lane is used extensively for recreational purposes. A pedestrian footpath along Back Lane should be provided.
- The site is in a poor state. Further deterioration of the site should not be used to enhance the application.
- Site is outside development limits. The new building line of Alne may be extended to the west to the agricultural workers dwelling.
- Negative impact on the conservation area. Loss of character as a green, leafy lane with a countryside feel.
- Set a precedent for back land development, and the unacceptable cumulative effect of this.

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 and the character and appearance of the Alne Conservation Area; (iii) access issues; and (iv) the impact on residential amenity.

Principle

- 5.2 Alne is categorised as a secondary settlement in the Settlement Hierarchy published in the 2007 Core Strategy and therefore has prescribed Development Limits, however this site lies to the north of the development limits. For that reason any new housing in this location 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 continues to be 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 north edge of the village of Alne. The IPG allows for development on land that is outside the Development Limits of settlements. 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 The development is small in scale at 2 dwellings. The development will occupy land that was previously a farmyard. It is acknowledged that the site was within the red line application boundary of application 15/00153/FUL and the approved plans showed this site as grassed paddock. The agricultural structures on site have been taken down but some timbers remain on site. The land has not been laid to grass or return to use as a grassed paddock.
- 5.7 By reference to other dwellings that stand on the south side of Back Lane it is reasonable to consider that the site is capable of accommodating 2 dwellings, and that the style and design of development could reflect the built form and character of the village. Given that this is a former farm yard careful consideration should be given to the design of the dwellings to reflect the former use of the land. The layout, massing and detailed design of dwellings are important considerations for example it would not be appropriate for a pair of traditional double fronted houses, which whilst suitable on a Main Street would be inappropriate in this Back Lane context.

Heritage assets

- 5.8 As the site is within the Alne Conservation Area there is a requirement under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the

Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Alne Conservation Area.

- 5.9 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.10 On assessment of the application it is considered that provision of two dwellings and garages with vehicular access from Back Lane would lead to less than substantial harm to heritage assets. Through a carefully design scheme, and by use of sympathetic material, details of which can be controlled by condition the scheme has the potential at least to preserve or enhance the Alne Conservation Area.

Impact on Local Character

- 5.11 As noted above there is an opportunity on this site to produce a high quality scheme which contributes to the Alne Conservation Area and to the local distinctiveness of Alne. The comments from local residents that the indication in the previous planning application was that this piece of land would be grassed are noted and currently this has not happened on site.
- 5.12 All applications are judged on the merits of the case, this land was not conditioned as public open space and there is no access from the new development to the south to allow the residents to use this space for recreation. The Local Authority cannot prevent the submission of a planning application for the site.
- 5.13 The location of the site on the south side of Back Lane, where other parcels of land are used variably as gardens to dwellings fronting Jack Hole or which are occupied by dwellings fronting on to Back Lane, is such that the land has a largely domestic or residential character. Development of the site would not have a detrimental impact on the open character of the surrounding countryside.

Access

- 5.14 The design and access statement claims that there may be an opportunity to provide a pedestrian link to Jack Hole, however this would involve passing through private property; the development to the south. Consultation comments have summarised that permissive access would not be allowed. As such pedestrian access to the facilities in the village would be via Back Lane (along which there is no defined pedestrian footway) and Mitchell Lane, a 375m walk to the bus stop, 450m to the pub, and 600m to primary school. With a pedestrian access south onto Jack Hole the walking distance o the school could be reduced to 140m, however without the cooperation of third party landowners this may not be possible.
- 5.15 Comments from Alne residents have included that Back Lane is popular with leisure walkers and horse riders. Concerns have been raised regarding increased traffic on Back Lane posing a danger to non-vehicle users. Indeed, Back Lane is shown as "other route with public access" on the 1:25 000 Ordnance Survey map of the area.
- 5.16 It is noted that no objection has been raised by the Local Highway Authority or Rights of Way officer to the development.
- 5.17 This site was previously part of the wider farmstead at Village Farm, with a variety of modern steel framed buildings. The access off Back Lane was previously used by large agricultural vehicles which were stored and re-fuelled here. It is reasonable to conclude that the impact of vehicle movements associated with 2 dwellings will not

exceed the impact of movements associated with the farmyard as the vehicles accessing the site will be significantly smaller than those associated with the farm.

- 5.18 NYCC Highways have no objection to the scheme, subject to the attachment of recommended conditions.
- 5.19 There is no evidence to suggest that the capacity of the infrastructure would be exceeded by the development of two dwellings. Accordingly the scheme meets the requirements of the IPG.

Residential amenity

- 5.20 The nearest dwellings to the application site are the properties on the site to the south. A very simple indicative layout plan has been included in the design and access statement, this shows that adequate separation distances can be achieved and that the site is sufficiently large to accommodate parking, turning and garden space in addition to the siting of the dwellings themselves. Amendments to a design that would position the dwellings closer to Back Lane, and which may be more appropriate in terms of the layout of spaces within the Conservation Area would increase the separation distances.

Conclusion

- 5.21 It is considered that the proposal would meet the requirements of the IPG and subject to a high quality of design would not give rise to harm to the character or appearance of the Alne Conservation Area. There is no scope to require affordable housing to be provided on the scheme following the Ministerial Statement however the development would be liable to CIL to provide for infrastructure to support communities to build the capacity to accommodate housing growth.

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. 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.
 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
 - a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
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:
 - a. vehicular, cycle, and pedestrian accesses
 - b. vehicular and cycle parking
 - c. vehicular turning arrangements
6. 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. measures to control the emission of dust and dirt during construction
 - e. a scheme for recycling/disposing of waste resulting from demolition and construction works.
7. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
8. 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.
9. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. Prior to development commencing, as a minimum, a Phase 1 Preliminary Risk Assessment must be submitted and approved in writing by the Local Planning Authority in order to obtain a good understanding of the history of the site, its setting and the potential to be affected by unacceptable levels of pollution. The Phase 1 assessment should comprise a desk study, site walkover and conceptual site model and should also provide recommendations for any further works.

The reasons for the above conditions are:-

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

2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.
8. 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.
9. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
10. In order to understand any potential contamination on site.

Informative for Waste bins

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 or 0845 1211555.

Parish: Borrowby
Ward: Bagby & Thorntons
2

Committee date: 14 September 2017
Officer dealing: Mr K Ayrton
Target date:

17/00495/FUL

Development of five residential dwellings (Use Class C3), associated access, car parking and landscaping as amended by plans received by Hambleton District Council on 26 July 2017

At land east of Bedlam Hill, Borrowby
For Mr Nigel Speight

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 Borrowby is located approximately 6.5km to the south east of Northallerton. The application site is located at the northern end of the built up area of the settlement, with its main frontage onto Bedlam Hill. The site is approximately 0.5 hectares in size, rectangular in shape, forming the front part of a larger agricultural field, which is also within the ownership of the applicant. The site slopes upwards as the site extends to the east before falling away toward the A19. The site is used for animal grazing. This includes land to the north of the site, which will be retained as a field access.
- 1.2 There is a hedgerow to the front of the site and residential development to the west of the site in the form of detached bungalows. Further residential development is located to the south as the road leads into the centre of the village, which is designated as a Conservation Area. The boundary of the Conservation Area is approximately 100 metres to the south of the site.
- 1.3 North of the site, the character is more rural as the road passes St Helen's Lane. Whilst there are some examples of isolated forms of residential development, the character is more open with a greater connection with the wider countryside setting rather than that of the village.
- 1.4 The application is for the construction of 5 detached, 3-bed dwellings. The properties are 1 ½ storey in height with a variety of designs. However, there is consistency in the development proposals through the architectural detailing and materials proposed. These include a mix of facing brick and stone work, clay pantiles and timber doors and windows. Detached garages are proposed to the rear of the site.
- 1.5 The dwellings have been sited to extend along the frontage of the site, with a set back from the frontage. A single vehicular access is proposed opposite 'Sedona', which utilises and upgrades the existing field access. A footpath is proposed on the western side of the hedgerow.
- 1.6 Amended plans have been received during the consideration of the application in response to feedback given to the agent. The agent was advised that greater consideration needed to be given to the relationship with the existing built form and character of the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No relevant planning history

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 DP28 - Conservation

Development Policy DP30 – Protecting the character and appearance of the countryside

Development Policy DP32 – General Design

Interim Policy Guidance Note – adopted by Council on 7th April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council (Original Comments):

- Concerns over increase in traffic.
- Could open the door to further development.
- No affordable element has been included.
- Concerns over arrangements for refuse collection vehicles.

4.2 Parish Council (Additional comments on amendments Plans):

- Low level bungalows with low pitched roofs would be more in-keeping. However the curved line layout is an improvement.
- The siting of the garages will impact on views and shorten the gardens.
- The footpath should be inside the hedge.
- The remainder of the hedge should be preserved.

4.3 Highway Authority – No objection subject to conditions.

4.4 Environmental Health - no objections.

4.5 Yorkshire water: No objection in principle.

4.6 Contaminated Land Officer: A condition is recommended to secure the works identified in the submitted report.

4.7 Public comments – 27 letters of objection received in total (in response to the original and amended plans) making the following comments:

- The development is not needed in Borrowby.
- The houses dominate the homes opposite.

- The development does not respect the existing built form of the village.
- Will impact on views from the National Park
- Concerns in respect of drainage (surface water and sewers).
- The development is beyond the development limits.
- The proposed dwellings are not in keeping.
- The houses will not blend in because of the build height and also the elevated site.
- There are already houses on the market that are struggling to sell.
- The development will overlook existing properties.
- Concerned over the impact on the road, which is also used by cyclists (national cycle route).
- The dwellings are effectively 2-storey.
- The development will have a detrimental effect on the open character and appearance of the surrounding countryside.
- The revised plans are as bad as the original ones.
- There are no special circumstances for this development.
- Concerned that the existing of planned infrastructure cannot cope with the development.
- Insufficient public consultation.
- Harmful impact on the landscape and natural environment.
- Ribbon development.

2 letters of support have also been received.

Members should note that the full letters can viewed on the Council's website.

5.0 OBSERVATIONS

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

Principle of Development

- 5.2 The site is outside the Development Limits of Borrowby. 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, Borrowby 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 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement or on every site. Considering the status as a Secondary Village, which is relatively high up in the settlement hierarchy, the lack of other new dwellings approved under the IPG in the locality and the nature and form of the site, the scale is considered to be acceptable.

Character and Appearance

- 5.7 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 environment and built form. This is consistent with other policies in the Local Plan.
- 5.8 In submitting the amended scheme, the agent updated their supporting documents and highlighted the following points (amongst others):
- The layout takes a more organic form whilst maintaining the strong linear alignment.
 - The houses have been pulled closer to the western boundary to provide a stronger sense of enclosure.
 - The northernmost dwelling has been designed to create an attractive aspect along the northern boundary.
 - The southernmost dwelling has been designed and orientated to provide a strong gable relationship with the existing dwellings to the south.
- 5.9 It is considered that the amendments to the scheme allow the development to integrate more successfully with the existing built form. This is largely helped by the setback from the site frontage and the gradual curve that has been introduced to allow the southern part of the development to broadly align with the dwellings on the eastern side of Bedlam Hill.

- 5.10 The setback also reflects the layout of the bungalows opposite, with the added advantage of also providing a minimum front to front separation distance of 41 metres.
- 5.11 The application site is higher than the land to the west, which needs to be factored into the consideration of the scheme, particularly in terms of assessing the scale (height) of the development. One and a half storey dwellings are proposed. At this end of the village, the majority of development is single storey, with more two storey dwellings found to the south, closer to the historic core.
- 5.12 Whilst bungalows are not proposed, the use of accommodation in the roofspace helps to reduce their impact. This is further assisted through the low density of development, with a generous setback and spaces in between the buildings; and the size of dwellings proposed, being 3-bed. The design of the dwellings is also considered to be of a good quality, with architectural detailing taking cues from the higher quality development found in the historic core of the village, which also helps with local distinctiveness. Therefore the overall character is considered to be reflective of the surrounding built form and is in accordance with design policy requirements.
- 5.13 There will be an impact on the natural environment as the scheme involves the development of a green-field site. However the site is viewed in the context of existing built form to the south and west. Indeed the proposed development mirrors the line of development to the west. The proposed landscaping scheme, whilst not hiding the development, will help with the transition to the wider countryside.
- 5.14 To the north of the site, at the junction of St Helen's Lane, the character of the area changes to that of more open countryside. Whilst there are examples of some recent development (i.e. farm workers dwelling), these are seen as isolated forms of development and not viewed as part of the main built up area of the village. Therefore the impact on the rural landscape will not be significant.

Neighbour Amenity

- 5.15 Whilst there are residential properties to the west of the site, these have relatively large front gardens. The proposed low density of development and generous set back from the site frontage will mean that the proposed development would not unacceptably affect the amenity of neighbours and so accords with Policy DP1.

Flood Risk and Drainage

- 5.16 The site is located in Flood Zone 1 (lowest probability of flooding). The supporting flood risk assessment and drainage statement confirms that the proposed development would not exacerbate flood risk either on the site or downstream of it. The consultation responses have been considered, including that of Yorkshire Water and there is no reason to disagree with the conclusions formed in the submitted statement. The proposed works can be secured through condition.

Highways

- 5.17 The local highway authority has commented on the application and raised no objection. The vehicular access is considered to be of an adequate width and the introduction of a footpath will help integrate the development with the core of the village to the south.
- 5.18 One of the observations made by the Parish Council is that the footpath should be sited on the other side of the hedge. The agent had advised that they would have no objection to this (and would accept a condition securing this), but it is their

understanding that the preference of the highway authority is to have the footpath as currently proposed.

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 drawing numbered 3504 SK001 001 Rev A received by Hambleton District Council on 28/02/2017 and SD-10.02 Rev E, SD-10.04 Rev D, SD-30.02 Rev A, SD-30.01 Rev A, SD- 30.03, SD-10.03 Rev E received by Hambleton District Council on 26/07/2017 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. The dwellings shall not be occupied after the end of the first planting and seeding seasons, unless the elements of the approved landscaping scheme (landscape strategy plan Rev E received by Hambleton District Council on 26 July 2017) situated within the application 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.

5. The development shall be constructed in accordance with the drainage strategy submitted on drawing 1682/01 (revision P3) dated 24/07/2017 prepared by Coast Consulting Engineers.

6. 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.

7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in accordance with the approved details and programme.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has of the Highway Authority and the following requirements: a. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1. b. 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. c. That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. 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 70 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.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:.. – Provision of a 2.0 metre wide footway on the site frontage on the eastern side of Bedlam Hill, linking the site access to the existing footway on the western side of Bedlam Hill, and including the relocation of existing road signs and street furniture as required. - Widening of the existing carriageway of Bedlam Hill to the south of the site access to provide a minimum carriageway width of 4.1 metres. (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

11. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10: - Provision of a 2.0 metre wide footway on the site frontage on the eastern side of Bedlam Hill, linking the site access to the existing footway on the western side of Bedlam Hill, and including the relocation of existing road signs and street furniture. – Widening of the existing carriageway of Bedlam Hill to the south of the site access to provide a minimum carriageway width of 4.1 metres.

12. 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 SD-10.02 Rev.E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.

14. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies).
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP32.
5. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. 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.
7. In accordance with Policy DP3 and in the interests of highway safety.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with Policy DP3 and in the interests of highway safety.
10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

14. 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.

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Parish: Carlton Miniott

Ward: Thirsk

3

Committee date: 17 August 2017

Officer dealing: Laura Chambers

Target date: 21 September 2017

17/01020/FUL

Change of use of agricultural land; siting of 70 holiday lodges (caravans); construction of single storey leisure facilities building; circulation; car parking and landscaping as amended by plans received 21 August 2017.

At Woodland Lodges, Carlton Road, Carlton Miniott

For Coppergreen Developments Ltd.

This application is referred to Planning Committee due to the scale of the proposal

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Woodland Lodges is a holiday accommodation and leisure site to the south west of Carlton Miniott, currently host to 52 holiday units (39 caravans and 13 lodges) operating on a lettings basis. There are also fishing lakes and a restaurant on the site. Each of the operations on the site is accessed via Coney Garth Lane.
- 1.2 The site is located outside of the Development Limits of Carlton Miniott, within open countryside. The landscape is relatively flat but the existing development is well screened by landscaped bunds and trees.
- 1.3 Permission is sought to change the use of two parcels of land adjacent to the existing site from agricultural use to allow the siting of 70 holiday lodges and the erection of a leisure building hosting a swimming pool, with 'kids splash pool' and fun pool, and two 12m swimming lanes, gym, soft play area, shop and café (65 covers) that would be accessible to both tourists visiting the site and the wider community.
- 1.4 Land to the north east of the existing caravan and lodge site would be used to site 27 lodges, the leisure facilities building and 78 car parking spaces. The land to the north west of Coney Garth Lane would have 43 lodges located around an existing fishing pond "Willow Garth Fish Pond" and two proposed un-stocked ponds; there would also be 83 car parking spaces.
- 1.5 To the north eastern part of the site native woodland planting is proposed to screen the development. The larger area to the north west of the site has a lower density of lodges and a greater proportion of the land used for landscaping to include 2m high bunds, hedgerows and tree planting. The planting extends along the south western boundary of this area.
- 1.6 The proposed lodges are single storey and timber clad with tile effect cladding to the roofs, there are to be three styles of differing sizes but a cohesive style and reflect the design of the existing lodges on the site. The 1028sqm leisure facilities building is also single storey 6.4m high with a curved form, the external treatment includes timber cladding, neutral render and large expanses of glazing to the walls and a standing seam roof system.
- 1.7 Improvements have been secured as follows: the proposed utility building has been reduced in scale and use of materials amended to lessen its potential visual impact and the access to the site is to be widened to improve passing places and reduce potential for congestion.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 05/02197/FUL – 18 holiday cabins, service cabin and formation of a pond; Granted 15 December 2005.
- 2.2 06/02094/FUL – Revised application for the siting of 5 log cabins and 13 static caravans; Granted 28 November 2006.
- 2.3 08/00220/FUL – Revised application for the siting of 6 log cabins and 13 caravans; Granted 14 April 2008.
- 2.4 11/00122/FUL – Change of use of agricultural land for the siting of 32 holiday lodges, laundry lodge, reception lodge, car parking, the formation of two ponds and the siting of an additional lodge on phase 1 of the scheme; Withdrawn 21 April 2011.
- 2.5 11/01467/FUL – Revised application for change of use of agricultural land for the siting of 32 holiday lodges, laundry lodge, reception lodge, car parking, the formation of two ponds and the siting of an additional lodge on phase 1 of the scheme; Granted 6 September 2011.

3.0 RELEVANT PLANNING POLICIES

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

CP1 – Sustainable Development
CP2 – Access
CP3 – Community Assets
CP4 – Settlement Hierarchy
CP15 – Rural Regeneration
CP16 – Protecting and Enhancing Natural and Man-made Assets
CP17 – Promoting High Quality Design
DP1 – Protecting Amenity
DP2 – Site Accessibility
DP3 – Access for All
DP5 – Community Facilities
DP9 – Development Outside Development Limits
DP25 – Rural Employment
DP30 – Protecting the Character and Appearance of the Countryside
DP31 – Protecting Natural Resources: Biodiversity/nature conservation
DP32 – General Design
DP33 – Landscaping
National Planning Policy Framework

4.0 CONSULTATION

- 4.1 Parish Council – Raises concerns summarised as follows:
- Questions whether the transport assessment takes account of visitors using the fishing lakes and restaurant as well as the holiday accommodation;
 - Requests alterations to the access to the site at the junction with the A61 and a dedicated footpath along the full length of Coney Garth Lane to improve safety;
 - Queries the visibility at the access point to the eastern part of the site;
 - Queries the intended drainage arrangements and notes existing problems with foul drainage in the village;
 - The proposed bunding is out of character with the area and western extension to the site appears unnatural;

- Tree planting should be of a minimum size to reduce the time it will take to mature;
 - Only part of the route to Thirsk from the site is designated as a cycle track;
 - Potential for increased litter;
 - Requests details of lighting;
 - Suggests the lodges should be single storey, should not be used as permanent residences and should not be sold on the open market;
 - Queries proposals for signage that may require advertisement consent; and
 - Requests changes to the proposed materials used in the leisure building and its overall height, notes lack of detail of fixed plant and machinery that may be required.
- 4.2 Highway Authority – No objection subject to condition that the layout is provided as shown on the proposed plan.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No objection subject to condition to require compliance with the Drainage Strategy that requires surface water to discharge to soakaway and that foul flows are to discharge via a pumped system limited to 6.9l/s to the sewer on Carlton Road, 6.9l/s is the same as the currently approved rate hence there will be no increase in foul flow rates to the public sewer.
- 4.5 Ramblers Association – No comments received.
- 4.6 Lead Local Flood Authority – No comments received.
- 4.7 Public comments – Three objections have been received, summarised below:
- Potential noise nuisance;
 - Loss of agricultural land for commercial gain rather than the benefit of the community;
 - Lack of public consultation from the developer;
 - EIA Screening Opinion has not been carried out;
 - No evidence this level of tourist accommodation is needed;
 - Tourists would be forced to travel by car to surrounding attractions due to unsustainable location;
 - The site no longer represents farm diversification but is a commercial enterprise in its own right;
 - The development would increase travel movements rather than minimise the need to travel;
 - Harm the surrounding environment;
 - Harm to residential amenity;
 - Loss of best and most versatile agricultural land;
 - The validity of the submitted landscape assessment is questioned;
 - The landscaping proposed to screen the development is out of keeping with the existing open landscape;
 - It would take so long for the proposed landscaping to mature it would be ineffective;
 - Existing noise nuisance is not managed, a management plan for the site has not been submitted;
 - Lack of detail regarding fixed plant and machinery required for the leisure building;
 - The description of the leisure building as single storey misrepresents its scale;
 - The proposed leisure building does not reflect local distinctiveness;
 - Light pollution;

- The existing access is not suitable for the potential increase in vehicle numbers;
- Traffic surveys were carried out during school holidays and do not therefore reflect the impact on school traffic on the road network;
- Lack of detail of proposed drainage strategy;
- The scale of proposed development is excessive in open countryside;
- The proposal may exacerbate flood risk in the area; and
- Lack of sustainable transport links locally; the closest bus stop is a substantial distance away from the site and not accessible by footpath.

5.0 OBSERVATIONS

5.1 The first consideration is to determine whether, in principle, the proposed development accords with the planning strategy and policies for Hambleton, as set out in the Local Development Framework, particularly in respect of the site's location beyond the Development Limits of any settlement. Following that, it is necessary to consider the likely impact of the proposal in terms of

- (i) contribution to the rural economy;
- (ii) the loss of agricultural land;
- (iii) landscape impact;
- (iv) the character of the countryside;
- (v) residential amenity;
- (vi) design; and
- (vii) highway safety.

Policy Principle

- 5.2 The site is in a rural location where, under policies CP1 and CP2, development will not normally be supported unless an exceptional case can be made. Policy CP4 sets out criteria where an exception may be considered, including where (under criterion i) "it 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". Objectors have suggested the claim that holiday accommodation is needed has not been substantiated and that suitable accommodation exists in other parts of the district. Holiday lodges are invariably found in rural locations and the proposal would expand an already successful operation where the scope for growing the size and quality of the business is limited by the number of units and therefore the proposal is for a form of development that is considered to have an essential requirement for a rural location, and accords with the Local Development Framework policy in principle.
- 5.3 Policy CP4 does not qualify the exception that allows for tourism development by reference to the scale or type of development. These are matters which are more appropriately considered in relation to the policies covering the considerations outlined (i) to (vii) in paragraph 5.1. Any exception under policy CP4 must also rely on an exceptional case being made in terms of policies CP1 and CP2.
- 5.4 As a potential exception to CP1 and CP2, the application is to be considered in terms of the overall sustainability of its location. In this case the site is close to one of the district's larger villages (Carlton Miniott, designated a Service Village in the Council's

Settlement Hierarchy) where there is a good range of services, and to a market town (Thirsk, designated a Service Centre in the Settlement Hierarchy). There are bus services connecting Carlton Miniott to Thirsk (services 70 and 153) and Thirsk railway station (on the East Coast Main Line) is at the eastern end of the village, approximately 3km away. Overall, and considering the likely extent of private car use by tourists, and potential for access for some purposes on foot and by cycle the site location is considered to be a sufficiently sustainable location to be an exception for tourism accommodation under CP1 and CP2.

- 5.5 The National Planning Policy Framework (NPPF) offers support to sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside. This includes support in appropriate rural locations where identified needs are not met by existing facilities. The degree to which this proposal would respect the character of the countryside is considered later.
- 5.6 The submitted details include a Tourism and Economic Impact report which shows the site to be in a good location relative to the competition and type of tourism offer and notes that demand is strong for high quality operations and properties. The report further shows that lodges, log cabins and barn conversions are effective businesses in the area and also that the holiday rental sector is performing well, with North Yorkshire doing better than other areas. The report refers to the well-established economic benefits of tourism as a whole, and that self-catering accommodation is particularly important in the economies of rural areas. The statement is supported by a note from Hoseasons stating that it is their experience that demand is outstripping supply in the area around the North York Moors. The application does not demonstrate a specific need for a site of this capacity, however the applicant has drawn attention to the economics of scale in providing the site, and operation of the leisure facilities building, bearing in mind the focus of the NPPF on economic growth, the large-scale proposal can be considered on its merits. The likely environmental impacts of the proposal are considered later.
- 5.7 For the above reasons, the proposal is considered to be in accordance with the principles of the Local Development Framework (LDF) and the NPPF in relation to tourism development. Whether the proposal would achieve accord with all policies of the LDF or achieve full compliance with the NPPF is dependent on further assessment with particular regard to the scale of the development and its likely impact on the area. The relevant considerations, identified in paragraph 5.1, are examined below.

Contribution to the local economy

- 5.8 Policy CP15 gives support to the expansion of existing businesses outside of service villages and service centres. The applicant has undertaken an audit of the expenditure of the business on goods, equipment and services, which reveals that current expenditure is £427,000 per annum (almost exclusively in the Yorkshire region) of which £308,500 is spent in Hambleton district. Of that total, £101,470 is spent securing goods and services from companies and tradesmen in Carlton Miniott. The applicant estimates that the proposed 85 lodges and leisure facilities building would increase the turnover of the business to approximately £6 million per annum, and would necessitate a significant increase in staff levels: the site currently employs 25 staff locally, and the applicant estimates that the new development would bring this to 80-90 full time equivalent jobs.
- 5.9 As the site would operate on a rental model, rather than owner-occupation, visitors would maximise their contribution to the rural economy by way of visiting tourist attractions and spending within the local area. The application originally proposed 85

units and with an assumed 85% occupancy rate with an average of four visitors per lodge, the applicant estimated that the enlarged development would attract approximately 930 visitors per week, or 48,500 per annum. If these visitors were to spend an average of £5 per person per day in the local area, this would result in about £850,000 being injected into the local economy each year. Following a reduction in the number of units, a consequent reduction in visitor spend would be anticipated; however the uplift would still be considerable and on that basis it is considered that the development would comply with policy CP4's expectation that tourism development should help to support a sustainable rural economy.

Loss of agricultural land

- 5.10 The site is identified by the applicant as including some land that is "Best and Most Versatile" agricultural land, as such the NPPF requires that consideration is given to sites of a lesser quality as preferential. The site is about 40% class 3a and due to the mosaic of 3b and 4 agricultural land it would be impractical to avoid all the 3a land. As noted above, the location of the proposal is necessitated by the already established business on site and it would not therefore be practical to locate the development substantially further away. The loss of grade 3a land is acknowledged to be a factor that weighs against development. Notwithstanding this, it is considered that the economic benefits of the scheme identified above would outweigh the consequent loss of agricultural land.

Landscape Impact

- 5.11 The landscaping proposed to the smaller parcel of land to the east of Coney Garth Lane would reflect the existing landscaping in the area that effectively screens the fishing lakes and existing holiday accommodation. The proposed lodges are single storey and would not therefore be of a scale detrimental to the surrounding area given the screening proposed. This element of the proposal is smaller in scale than the adjacent site and would relate well to the existing uses and landform; its impact would therefore be minor.
- 5.12 Objectors raise concerns about the design of the proposed leisure facilities building being more suited to an urban location. The building reflects its intended purpose, however the reduction in height now proposed from 7.8 to 6.4m, the greater use of timber cladding rather than aluminium and the building's location at a lower level to the south-eastern corner with a backdrop of the landscaped bunds to the fishing lakes mean it would not be perceptible within the landscape from further afield and would complement the lodges when viewed from within the development itself. Accordingly it is not considered the leisure facilities building would detract from the character of the rural setting.
- 5.13 The larger parcel of land to the west of Coney Garth Lane has the potential to be more visible from the A167 and A61 and thereby have a greater impact on the landscape. For that reason the layout of lodges is less dense in this area and substantial areas of landscaping are proposed, including gentle contouring, hedgerows and native trees, principally to the boundaries but also forming landscaped embankments within the site.
- 5.14 The proposed landscaping scheme is consistent with the existing development on the site but also the landscape more widely. While it may take some time for it to establish it is noted that the cabins being single storey and in dark brown and grey colours would help reduce visual impact in the landscape. As identified in the submitted landscape and visual assessment, it is considered the proposal would not have a significant landscape impact.

The character of the countryside

- 5.15 Separate from the question of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by reason of its nature and scale and associated activity, would have any impact on the character of the countryside. This was a significant consideration when 179 lodges were proposed at Angrove Park, Great Ayton (application 15/02420/FUL, withdrawn) and resulted in the scheme being reduced to 54 units (16/02048/FUL, granted).
- 5.16 Although the location is relatively well protected from general public view, the existing agricultural surroundings in this area are intrinsically quiet and tranquil in character and thus sensitive to development. With the proposed expansion the site would be large for this type of land use within Hambleton (the total of existing and proposed units would be 83 lodges and 39 caravans, 122 units overall) and it is necessary to take into consideration whether the extent of the use would itself be harmful to the character of the countryside, along with the activity it would generate.
- 5.17 The use of 122 units for holiday purposes would give rise to a higher level of associated activity, equivalent to some villages in terms of the numbers of occupiers, which would be unusual in agricultural surroundings. Despite this, the site benefits from good screening as noted above, and is in close proximity to substantial settlements, a railway station and major road links, the A1 being approximately 7km to the west and the A19 approximately 5.5km to the east. These changes would include outdoor recreational activity and traffic movements, however in this context the increased activity is not considered inappropriate, particularly following the reduction in scale now proposed by the applicant, and is therefore considered to be compliant with Policy DP30.

Residential Amenity

- 5.18 Objections from neighbours refer to the potential of increased activity on the site to generate noise and nuisance issues. The closest residential properties to the site are a substantial distance from the proposed lodges (about 380m) which would be screened by landscaped bunds; given this distant relationship the Environmental Health Service has raised no concerns with regard to noise or the general amenities of the area. The increased use of the access on to the A61 (that is within 30m of neighbouring properties) is also considered but the proportion of traffic from the additional units relative to the traffic flow on the A61 is considered to be small and the impact would accordingly be also be small. It is therefore difficult to attribute weight to objections made in this respect.

Design

- 5.19 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."
- 5.20 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.
- 5.21 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.”

- 5.22 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.
- 5.23 The Design and Access Statement identifies the existing fishing lakes and holiday lodge operations being sited within an agricultural landscape and widely screened by earth bunding and landscaping. Notable features within the landscape include two copses.
- 5.24 The existing screening is identified as an acceptable landscape feature that could therefore be reasonably employed to allow expansion of the holiday accommodation on the site without detracting from the landscape character. The density of the proposed development and proportion of land afforded to landscaping are identified as appropriate means to integrate the development into the landscape.
- 5.25 There are no site features identified as warranting retention, the use of best and most versatile land is acknowledged and while the justification for this is elaborated on earlier in this report, it is noted that the proposed design ensures the development is close to the existing operations on the site and is not therefore unduly isolated and would not introduce a use that is out of keeping with the character of the area.
- 5.26 The statement details the pre-application discussions that took place with planning officers ahead of submission and the changes that were made to the proposals in light of that guidance, demonstrating a refinement of the proposed design. The statement does not identify pre-application discussions with the local community; however following submission the applicant has attended a community meeting and submitted amended details to take account of concerns raised.
- 5.27 The design of the proposed cabins and leisure facilities building are sympathetic to the surrounding area and in combination with the proposed landscaping scheme will not detract from the character of the landscape.

Access

- 5.28 The existing access into the site is to be utilised to serve the new development. Although wide at its junction with the A61, this narrows on entry to the site to a single track with passing places and includes a number of bends. The application includes proposals to widen the lane, particularly at the entrance to improve safety given the number of visitors would increase on change over days.
- 5.29 It is highlighted by objectors that traffic surveys were carried out during school holidays and therefore does not capture traffic flows during term time associated with the local school. While that is true, the survey was carried out during peak holiday time when the numbers of visitors to the site are likely to be greatest and the two are unlikely to occur simultaneously. As such, the timing of the survey is considered appropriate in this instance.
- 5.30 The Highway Authority has raised no objection to the proposed development but has requested a condition to ensure alterations to the access and parking and turning facilities are implemented on site prior to the intended use commencing.

Environmental Impact Assessment

- 5.31 Screening has been undertaken of the proposal under the EIA Regulations. The development falls with the threshold of Schedule 2 development. The site is considered not to be in a sensitive area however it is considered that the development would not be likely to have significant effects on the environment in the terms of the EIA Regulation and as such an Environmental Statement is not required.

Planning balance

- 5.32 The scheme provides an opportunity to increase the capacity of tourist accommodation in the district and provide a substantial increase in the number of jobs created by the development. Whilst there is some harm caused through the loss of some "Best and Most Versatile" agricultural land this harm is to be weighed against other social, economic and environmental factors including the potential to increase the bio-diversity of the site by the landscape planting that is proposed to accompany the proposed holiday units. Consideration has been given to all the views expressed as summarised above and where these require control measures these are provided in the conditions that follow or are controlled by other bodies. The development is considered to be in general accord with the Local Development Framework policies and sustainable development capable of support.

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 3708-PD-04, 3708-PD-02, 3708-PD-03, and drawings named Essence Collection, Woodsman Collection and Caboose Collection received by Hambleton District Council on 09/05/17 drawing(s) numbered C01 Rev A and 16/330/TR/001 Rev A received by Hambleton District Council on 19/06/17, drawing(s) numbered 3708-PD-01 Rev A received by Hambleton District Council on 05/07/17 and drawing(s) numbered 2743/5 received by Hambleton District Council on 18/07/17 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. 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 3708-PD-02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 5. The development shall be carried out in complete accordance with the details shown on the submitted Drainage Strategy prepared by Phil Reaney Sewerage Consultancy

- Report Woodland Lakes Ph3/Drainage/26/04/2017 dated 26/04/2017, unless otherwise agreed in writing with the Local Planning Authority.

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. 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP2, CP3, CP4, CP15, CP16 and CP17.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP32.
4. In the interests of a satisfactory form of development.
5. In the interests of satisfactory and sustainable drainage.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

Informatives

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will be granted subject to certain conditions being met. Environmental Health Technical support will write to the applicant further, providing the necessary details.

17/00519/REM

**Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 175 dwellings.
at Land Off Stillington Road Easingwold North Yorkshire
for Kier Living.**

The application is referred to Planning Committee as it is a major application with high levels of public interest.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Outline planning permission for up to 175 dwellings was granted on appeal 8th December 2015. Reserved matters approval is now being sought. All matters were reserved for subsequent approval at the outline stage, other than associated infrastructure and access. An indicative master plan showing plot positions, landscaping, roads and footpaths was submitted with the original outline application (13/01703/OUT) as part of the Design & Access Statement.
- 1.2 The application site comprises an area of 6.74ha. The reserved matters application includes 175 units resulting in an average net density of 25.96 dwellings per hectare. The applicant has committed to a minimum of 50% affordable dwellings on site (which was a condition of the outline approval). 88 units are proposed to be affordable and 87 units are proposed to be market housing.
- 1.3 Existing landscaping features would be retained and serve as focal points within the layout. The landscape features of merit within the site include hedgerows and trees on the north eastern boundary the majority of these are proposed to be retained and the scheme includes some additional planting enhancement and reinforcement.
- 1.4 The application site consists of agricultural fields surrounded by hedgerows and there are mature trees along part of the northern boundary. It is generally flat, but dips slightly towards the southern boundary.
- 1.5 The vehicular access into the site is proposed off Stillington Road along the southern boundary. This detail was approved at the outline stage. A public footpath crosses the northern edge of the site in a northwest to southeast direction and leads to a football ground and then allotments. A number of more informal paths exist, particularly around the edges of the site. The proposal provides for the retention of the public right of way and the creation of further footpath and cycling links through areas of public open space which are proposed to be created through the centre of the site. There are two areas of public open space, one in the south adjacent to and either side of the access road and one that flows through the centre of the site and links onto the public right of way that connects the site to the town centre.
- 1.6 The applicant has incorporated a total of 11 dwelling types within the scheme, including both market and affordable units:

Total number of units proposed	175
Number of affordable units	88
Percentage of affordable units	50.2%
Percentage of two and three bedroom units	58.3%
Number of bungalows	46

Percentage of bungalows	26.2%
Number of two bed bungalows	34
Percentage of 2 bed bungalows	19.4%

1.7 The affordable units comprise

One bedroom	12 units
Two-bedroom	54 units
Three bedroom	22 units

The market units comprise

Two-bedroom	6 units
Three-bedroom	20 units
Four-bedroom	61 units

1.8 The application site is not allocated for any purpose within the Hambleton Local Development Framework and lies beyond Development Limits. The site has been put forward in the recent call for sites and has been carried forward as a preferred option. However, the planning history referred to above and below is also of relevance.

1.9 The application is supported by documents including:

- Planning Supporting Statement
- Community involvement statement
- Design and Access Statement
- Drainage Strategy
- CIL and Housing Pro-forma
- Travel Plan
- Memorandum on noise
- Arboricultural assessment
- Archaeological Assessment
- Geo-Environmental Survey

1.10 Improvements have been secured to the scheme including amendments to the layout to meet the requirements of the Highway Authority, an increase in the affordable housing provision to accord with the relevant condition of the outline permission, improvements to the mix of affordable and market units, amendments to the layout to create improved footpath access facilities, removal of the attenuation basin in the main area of public open space and replacement by underground storage in order to allow it to be accessed at all times

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/01703/OUT An outline planning application for residential development (up to 175 dwellings) with associated infrastructure and access was refused planning permission on 26th November 2013. An Inquiry appeal following the refusal was heard with a decision made on 6 January 2015 dismissing the appeal. A challenge was made to the decision by the appellants and the appeal decision of 6 January 2015 was quashed by order of the High Court. A further Inquiry was held in October and November 2015. The second appeal decision made on 8 December 2015 allowed the appeal and planning permission was granted subject to conditions.

2.2 The appeal condition 4 allowed 18 months for the submission of reserved matters application, the application was submitted prior 8 June 2017 so meets the first requirement. Following the approval of reserved matters the appeal condition 5 provides that development must be commenced within 12 months.

- 2.3 The appeal condition 9 requires that not less than 50% of the overall number of dwellings are affordable housing units.
- 2.4 The appeal condition 10 requires that a minimum of 10% (18 dwellings) are to be two bedroom single storey dwellings.
- 2.5 A copy of the appeal decision of 8 December 2015 is appended to this report.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policies DP1 - Protecting amenity
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP43 - Flooding and floodplains
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council – make the following response to consultation.
 Firstly, ETC wishes to emphasise the need to respect the outline conditions imposed by the planning inspector in granting planning permission - namely:
 The development's phasing, housing mix and its connectivity. In this regard, the provision of a mini-roundabout at the junction between the York and Stillington roads before any dwellings are occupied is essential for road safety and traffic flows.
 Because of the expected increase in traffic emanating from the Kier development

along with the volume of traffic expected from the proposed Persimmon Kellbalk Lane development 14/02285/FUL, the increase in vehicles using the Crabmill Lane / Stillington junction will involve huge problems for vehicle exiting Crabmill Lane to join Stillington Road, therefore ETC request that County Highways investigate painting an appropriate area of Yellow hatching on Stillington Road to help vehicles accessing the flow of traffic onto that road, in the interests of public health & safety on the highway.

Next ETC feels that the currently proposed scheme will not deliver an adequate area of recreational open space. ETC would like to see the retention of as many of the existing trees, hedges and landscape features as possible so as to mitigate its impact on what is a major entry point into the town. There should be a footpath connection provided to the estate along Stillington Road at the front and foot/cycle access to the public footpaths provided along the rear of the development, to give good accessibility between the estate and the town centre.

Easingwold Town Council supports Hambleton District Council's minimum space requirement. We wish to ensure that the development meets the HDC housing policies CP8 and DP13 that is to say a minimum of 10% 2-bed bungalows; with houses in the mix 10% 1-bed, 35% 2-bed, 25% 3-bed and 20% 4-bed. We see no need for 5-bed properties or a higher volume of 1 bed properties. (As indicated in the Neighbourhood Plan consultation in 2015). We would like to see 30% affordable housing with a mix of ownership of 50% shared ownership and 50% rented.

In addition, there is a general concern in the area about flooding in extreme weather. Surface water drainage for this site has been limited to 25.8 litres / second. In contrast, the Kell Balk site is limited to 5 l/s and the limits for other similar sites which discharge into Leasmires Beck is 11 l/s. Why should this site be permitted to have over twice the run-off rate of other sites, given that they all empty into the same beck?

All of these sites plus other proposed sites and a large part of Easingwold already drain into Leasmires Beck. The overflow from the sewer system also empties into this beck.

Concerns have been raised by ETC and members of the public over the constant threat of flooding to certain parts of Easingwold during times of moderate to heavy rainfall. While we appreciate that the size of the water retention pond and run off rates have been calculated to standard guidelines, there is already evidence of flooding in Easingwold and the public are concerned that future developments will worsen this problem. Presumably all new developments have had their drainage rates calculated by the same method and if this method was correct, there would be no flooding in Easingwold, in the light of recent significant and major flooding of the site, that the whole issue of drainage and water retention design be independently re-assessed by Kyle & Ouse Drainage board

ETC wishes to be sure that any such issues on this site are effectively resolved without exacerbating problems in the surrounding areas, the two becks or the football ground.

Furthermore, there are no plans shown for the design of the roundabout at the Crabmill Lane junction.

The appeal decision stated that:

“26. No development shall take place until a scheme of highway improvements comprising a roundabout at the junction of York Road and Stillington Road has been submitted to and approved in writing by the Local Planning Authority. The highway

improvements shall be completed in accordance with the approved scheme before the first dwelling is occupied.”

ETC would like to see restrictions on the operating hours of the site as a planning condition to prevent noise nuisance to neighbouring properties.

Finally, ETC would like to see the development phased over at least 3 years to help the town absorb the growth in population created in to the resources available.

- 4.2 NYCC Highways - Seeks further information to provide the details required by the conditions of the outline approval. No objections are made to the proposed layout but have sought improvements to the footpath connections proposed between the site and the town.
- 4.3 Environment Agency - no objections, advise the importance of checking the available capacity in the drainage network and at the treatment works. Also advise on consultation to the LLFA on matters of surface water disposal.
- 4.4 Flood Risk Management LLFA (Lead local flood authority) - no comments to make in respect of the reserved matters of appearance, landscaping, layout and scale.
- 4.5 Internal Drainage Board – make reference to the need for approval prior to work near to watercourses or discharge of water into a watercourse.
- 4.6 NY Police - Commends the scheme for adopting the principles of Crime Prevention through Environmental Design. Notes that the rear service alleyways exist and should be gated off.
- 4.7 EHO - no objections
- 4.8 NYCC Archaeology - notes that the Written Scheme of Investigation is attached to the application, this meets the requirements of the first part of the condition 8 of the outline approval.
- 4.9 Local Access Forum - The site plan lacks provision which will encourage cycling to the village centre, and the Local Access Forum recommends that the footpath running within the perimeter of the north and northeast of the site be a shared cycle and pedestrian facility, with access onto the track behind the proposed estate. The Forum cannot support the planned poor practice of using the estate roads for visitor parking, as this will discourage cycling through the estate, but instead should be provided in more than one place in dedicated areas to meet at very least the minimum standards laid down by NYCC
- 4.10 Publicity
Six representations have been received in respect of:
 - The position of the vehicular access will cause congestion
 - The junction of Stillington Road, Long Street and York Road needs improvement
 - The travel plan is flawed
 - Additional residential growth is not matched by increases in infrastructure (schools and medical facilities) there has been too much house building in the town
 - Development on greenfield site
 - Against the wishes of the local community
 - Provides no benefits to social, economic or environmental interests
 - Sufficient land has been made available to meet the needs of Easingwold
 - Impact on neighbours due to the position of the vehicular access that could be eliminated by moving the access towards Long Street

5.0 OBSERVATIONS

- 5.1 The principles behind the development of this site are set out in the Inspector's decision in relation to the outline approval for development (13/01703/OUT), the conditions for which are set out in **Appendix 1** attached to this report.
- 5.2. The Inspector's decision has confirmed a number of matters relating to the development of the site. This includes the percentage of affordable housing at not less than 50%, the principle of residential development without the provision of additional capacity in the medical and educational infrastructure beyond the requirements for CIL payments and detailed arrangement of the vehicular and pedestrian access point into the site, the acceptability of the impact of vehicular movements associated with the development, and the principle of the development in relation to matters such as foul and surface water drainage and flooding. A number of these matters are the subject of conditions attached to the outline planning permission.
- 5.3 The main issues to consider in the determination of the reserved matters are: (i) the housing mix, type and tenure, including affordable housing provision; (ii) public open space provision; (iii) highway safety; (iv) drainage and flood risk; (v) design and layout, including impact on residential amenity; and (vi) community engagement;

Housing mix, type & tenure and affordable housing

- 5.4 In this instance, the proposed housing mix was established through the outline application approved under reference 13/01703/OUT. The housing mix for the maximum number of 175 dwellings given outline approval as set out in paragraph 1.6 and 1.7 and meets the requirements of the appeal decision.
- 5.5 Condition 9 of the outline planning permission states that at least 50% of the dwellings are affordable homes; the scheme proposes 50.2% and therefore meets the requirements of the condition.
- 5.6 Condition 10 of the outline planning permission requires a minimum of 10% of the dwellings on the site to be two bedroom and single storey; the scheme proposes 19.4% two bedroom bungalows and therefore substantially exceeds the requirements of the condition and is in accordance with the aspirations to increase the supply of smaller single storey dwellings. It is considered the proposal would provide an appropriate quantity of two-bedroom bungalows.

Public open space

- 5.7 The proposed development includes a central public open space containing a play area to required standards, beech hedge planting, avenue style tree planting and existing woodland trees. Planting around the boundary of the open space would provide slight separation from and screening for the adjacent housing. Low native species shrubs would be planted along the edges of the existing plantation trees, with a native wildflower strip along the edge. This is to create a graduated edge to the existing woodland and improve biodiversity.
- 5.8 A retention basin would be located within the open space as part of the drainage strategy. During the course of the application this basin has been amended in order that it can be used as a permanent part of the public open space provision by incorporating an underground attenuation solution as opposed to an open basin.
- 5.9 Whilst the highly varied boundary to the open space makes measurement of the usable space very difficult it is considered that sufficient space is available within the open areas in the site to accommodate the facilities required by Condition 22 for on-

site amenity space, children's play and young people's facilities. No details of these are provided at this time. These details will be required to be submitted for approval by condition.

Highway safety

- 5.10 The single access point from Stillington Road was fixed by the appeal decision. The entrance point opposite recently formed dwellings has given rise to critical comment from neighbours to the site. However, approval has been given for the access in the position shown and the Local Planning Authority cannot require that the applicant revise their proposals. A condition of the outline approval requires improvements to the York Road, Long Street, Stillington Road junction. Designs were prepared at the time of the outline application and are referenced in the appeal decision. The requirement of condition 26 is that the off-site highway improvement works are completed before the first dwelling is occupied.
- 5.11 The internal highway layout has been amended since pre-application stage. The layout provides a hierarchy of roads and makes provision for shared service roads and private drives. The layout makes footways direct and convenient and the road more sinuous to reduce traffic speeds.
- 5.12 All dwellings have in curtilage parking. Very little visitor parking is proposed, limited to 4 spaces in a shared surface area at the northern end of the site. This is in response to concerns raised by the Local Access Forum that the footways may be obstructed by parked vehicles.
- 5.13 Various issues of visibility splays on junctions within the layout have been raised by the Highway Authority through the course of the application and the applicant has sought to address these concerns through amendments to the layout.

Drainage & flood risk

- 5.14 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.15 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.16 Drainage was a topic at the Inquiry appeal (paragraphs 64 and 65) and is covered by appeal conditions 12 and 13 attached to the grant of outline planning permission. Amendments have been made to the scheme during the application.
- 5.17 The drainage of the site and associated flood risks have been highlighted through a number of representations from the local community. Local people have raised concerns about the surface water drainage of the site and the potential for the development to impact on residential properties, elsewhere due to the high water table and capacity of the sewer network.
- 5.18 The site is understood to be poorly drained at present and frequently holds standing water. The applicant has put forward a drainage strategy in order to address this issue, which has been subject to consultation with the Sustainable Urban Drainage

System (SUDS) Authority (NYCC), no objections are raised to the proposal. The details required by condition are to be considered separately.

- 5.19 The strategy put forward is to positively drain the site and provide surface water storage on the site before discharge to Leasemires Beck at a controlled rate of 25.8 litres per second.
- 5.20 The attenuation of water on the site, is by some storage in pipework but mainly in underground attenuation tanks on the southern part of the site under the areas of public open space. These features would allow access to the public open space whilst facilitating the necessary levels of attenuation by effectively creating underground storage areas. This option was chosen in preference to a pond solution, which, due to the high water table, would be a wet area at all times, reducing the availability and usability of public open space and creating safety issues associated with the management of open water.

Design and layout and residential amenity

- 5.21 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."
- 5.22 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.
- 5.23 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."
- 5.24 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.
- 5.25 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.
- 5.26 The applicant's design and access statement builds on the outline planning permission explaining how the design has evolved following the consultation responses (noting the response of Easingwold Town Council) relating to the provision of a green corridor throughout the estate, centrally placed green area incorporating landscaping, pedestrian route and an equipped play area are noted in

the submission.

- 5.27 It is considered that the proposed layout and the relationship of private and public spaces, retention of boundary treatments and the connection to the public right of way to the north and connection to the green space within the site is acceptable and would provide a positive townscape form within the development, taking account of the constraints imposed by the access position and drainage strategy. Additional detail has been sought and to be secured by condition to establish the finished floor levels of dwellings to ensure that they do not have an overbearing impact on the neighbouring dwellings on Meadowfields Close and Leasmires Avenue.

Community engagement

- 5.28 It is noted that a detailed level of public consultation was undertaken prior to the submission of the outline application 13/01703/OUT, which included:

- A consultation leaflet to local residents;
- Contact with Easingwold Town Council;
- An advert placed in the Easingwold Advertiser newspaper;
- Display of plans and material on a web site; and
- A public exhibition at the Galtres Centre

- 5.29 It was therefore determined by the applicant that an informative letter would be sent to neighbouring properties together with a copy of the site layout plan, inviting any comments to be submitted. A leaflet drop was arranged to local residents to inform them of Kier Livings' intention to submit a reserved matters application in the coming weeks. The letter informed residents of the development proposal and invited residents to provide their comments by email or through a dedicated webpage set up for the application.

Planning balance

- 5.30 The proposal provides for 175 dwellings including 50.2% affordable dwellings of a size, type and mix that meets the local needs expressed in the Council's strategic housing market assessment. The development provides for the retention of landscape features on the boundaries of the site and within the constraints set by the decision of the outline and similarly the provision of footpath connections to the town and cycleway provision through the site. Concerns in respect of drainage and flood risk are addressed by other consent regimes and the conditions of the outline approval. Open space is provided within the site to accommodate the reasonable needs of amenity and children's recreation. Overall it is considered that the scheme is a suitable form of development that can be supported under the LDF policies.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **APPROVED** subject to the following conditions:

Time limit

1. The development shall be begun before the expiration of 12 months from the date of this decision.

Approved drawings

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 01 March 2017 unless otherwise shown below approved in writing by the Local Planning Authority

Location plan 1652.05
Planning layout 1652.01.G 6 September 2017
Footpath connections 6036-FP-01 31 August 2017 and FP-02A 6 September 2017
Landscaping masterplan

House types
Sten Y 018E and 019A
Sten Apt 013A
Horsham 1652-HORS-010 and HORS-011
Thornton – 021B updated to a 3 person house 6 September 2017
Holmewood 014A, 016A and 017A
Oakwood 026A and 027A (and 028A and 029A plot 111)
Mapleford 022A and 023A
Sten U 020A
Pensford 032A and 033A
Woodford 030A and 031A

(Oakford 024A and 025A if used in the layout)

3. **Materials 1652.02.C – Materials layout**

The materials for the dwellings and other structures shall be as set out in the materials layout drawing 1652.02,## unless otherwise approved in writing by the Local Planning Authority.

4. **Section to neighbouring property.**

The development shall be undertaken in accordance with the finished floor levels shown on the drawing ###.###.

5. **Footpath connection**

No dwelling shall be occupied until the footpath connections have been formed in accordance with the details shown on drawings:

6036-FP-01 Connection to Stillington Road

6036-FP-02 Rev B Connection to Meadowfields Close

Thereafter the footpaths shall be retained and be maintained in accordance with the approved details to provide pedestrian, wheelchair access between the site and the adopted highway footway network.

6. **Renewable energy**

The renewable energy measures (indicative locations of solar panels) shown on drawing 1652.01 rev G shall be installed in accordance with the full details that have previously been approved by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
- 2 & 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 CP17 and DP32.
4. To ensure that the approved dwellings relate appropriate to the neighbouring property.
5. To ensure that the development provides appropriate connection to the footpath network.

6. To ensure the on-site renewable energy generation capacity is installed in accordance with LDF Policy 34.

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
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 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.

Appeal Decision

Inquiry held on 27-30 October & 3 November 2015

Site visit made on 27 October 2015

by Ava Wood DipARCH MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2015

Appeal Ref: APP/G2713/A/14/2217056

Land to the north of Stillington Road, Easingwold, YO61 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Hambleton District Council.
 - The application Ref:13/01703/OUT, dated 31 July 2013, was refused by notice dated 26 November 2013.
 - The development is described as : proposed residential development (use class C3) (upto 175 dwellings) with associated infrastructure and access, with all other matters reserved.
 - This decision supersedes that issued on 6 January 2015. That decision on the appeal was quashed by order of the High Court.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed residential development (use class C3) (upto 175 dwellings) with associated infrastructure and access, with all other matters reserved, on land to the north of Stillington Road, Easingwold in accordance with the terms of the application, Ref: 13/01703/OUT, dated 31 July 2013, and subject to the 26 conditions set out in Annex B to this decision.

Procedural Matters

2. The main parties agreed that the reasons for refusal relating to provision of affordable housing, public open space, sports and recreation facilities, children's services and highway improvements could be addressed through conditions or via Community Infrastructure Levy (CIL) payments, in accordance with the Council's recently adopted charging schedule. While concerns around surface water disposal could also be overcome by condition, the main parties could not agree on whether it is necessary to address foul water disposal with a condition. I return to this matter later.
3. At the inquiry the Council did not therefore pursue reasons for refusal 3, 4, 5, 6 and 7. Mr Clarke appearing on behalf of the Easingwold Town Council and the Easingwold Neighbourhood Plan Steering Group, however, continued to press the case against the appeal development on the basis of concerns arising from impact on Easingwold's infrastructure and its drainage system. I consider these matters in due course.

4. The eighth reason for refusal is relevant to the manner in which the appellant consulted with and took on board the community's views on the application. Although the Council maintained an objection on that basis, I do not regard it as a determinant in this case and therefore have not identified it as a main issue.
5. At the inquiry the main parties referred to three recent appeal decisions within the Hambleton District; at Huby, Great Ayton and Stokesley¹. Given the recent dates of their issue, I have had regard to the decisions and agree that they are material to the appeal case.
6. The previous Inspector's quashed decision on this case, however, is of minimal materiality, other than in respect of matters of agreed evidence-based facts that have not been subject to change since that decision.

Main Issues

7. The main issues below broadly reflect the main areas for consideration identified in a pre-inquiry note. These are:
 - Is the Council able to identify a five-year supply of deliverable housing land?
 - Whether the proposed development should be regarded as sustainable.
 - If the Council is unable to identify a five year supply of deliverable housing land, whether other material considerations would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole.

Reasons

The Local Policy Framework

The Development Plan

8. The Hambleton Core Strategy (CS) (adopted 2007), the Development Policies (2008) and Hambleton Allocations (2010) comprise the development plan for the area.
9. CS Policy CP1 is a generic policy seeking to meet local development needs sustainably, and sets out a number of criteria designed to achieve that objective. CS Policy CP2 looks to direct development to locations that minimise the need to travel. The Inspector at Stokesley indicated that "*insofar as they seek to secure sustainable development, and to reduce the need to travel, [the policies] are consistent with the principles of the National Planning Policy Framework.*" In the absence of any notable changes in policy circumstances, those words still hold true and CS Policies CP1 and CP2 merit significant weight. The policies are identified in the CS as strategic spatial policies that take forward the District's Spatial Strategy. Of note are Spatial Principles 1 and 2; the former identifies the 'area of opportunity' to which most housing and employment related development is directed and the latter refers to Stokesley and Easingwold as 'areas of restraint'. Spatial Principle 3 proposes a

¹ Appeal refs: APP/G2713/A/13/2194376, APP/G2713/A/14/2218137 and APP/G2713/A/14/2223624 respectively

sustainable hierarchy of settlements headed by the Principal Service Centres, followed by the Service Centres and, lower down the scale, by Service Villages.

10. It was agreed at the inquiry that CS Policies CP4, CP5, CP5A, CP6 and Development Policies DP8 and DP9 are, at least in part, relevant to the supply of housing. As the scale of new housing set out in Policy CP5 is based on a constrained housing figure established in the revoked Regional Spatial Strategy (RSS), it is out of date. That much was agreed and the policy carries no weight in my considerations. Also agreed (and confirmed by the Stokesley Inspector) is that the exceptional case test element of CS Policy CP4 and Development Policy DP9 for development outside of development limits of identified settlements is inconsistent with the NPPF. The criteria-based aims of the policy seeking sustainable distribution of development are, however, consistent with NPPF principles.
11. Policy CP5A directs developments to the central parts of the district, including Northallerton, Thirsk and Bedale, with restraint to be exercised in the Stokesley and Easingwold areas. While there is general agreement between the parties that the sustainable objectives of the policy comply with NPPF principles, the appellant argues that the link with Policy CP5 renders it out of date. The policy was not cited by the Council in its reasons for refusal but was pursued as an argument against the development at the inquiry. Policy CP6 apportions at least 51% of the Policy CP5A targets to the Principal Service Centres of Northallerton and Thirsk, with at least two thirds directed to the Service Centres of Bedale, Easingwold, Stokesley and Thirsk, and their respective hinterlands. Development Policy DP8 affirms support for development within settlement Development Limits, and Development Policy DP9 covers development outside development limits,
12. Whether CS Policies CP4, CP5A and CP6 and Development Policies DP8 and DP9 are up to date and consistent with the NPPF is dependent on the Council's position with regard to the supply of deliverable housing sites.
13. The Statement of Common Ground identifies a range of other key CS and Development policies relevant to the delivery of affordable housing, design, countryside and the natural environment, biodiversity and heritage amongst others. I refer to them where relevant when considering particular aspects of the proposed development.

Other Local Policy Matters

14. The Council adopted an Interim Planning Policy Guidance (IPG) in April 2015, in recognition of the NPPF's approach to promoting sustainable development in rural areas. To that end, the IPG allows for greater flexibility and development of an appropriate scale in smaller settlements.
15. In December 2013 the Council removed the phasing policy for all allocated sites in an effort to bring sites forward for development more quickly.
16. The Council commenced a full Plan review in September 2014 with a view to replacing the current suite of documents with a Local Plan for the District. The emerging Local Plan is at an early stage of development and carries no weight in the determination of this appeal.
17. A draft of the Easingwold Neighbourhood Plan (ENP) is currently out to consultation, with an adoption date intended in March 2016. The ENP does not

alter the amount of development sought to be provided in the development plan documents. The development plan directs the amount and location of development. For that reason, and because of its early status, the relevance of the ENP to this appeal is limited.

Five-year supply of deliverable housing sites (first main issue)

18. In considering this issue I will follow the approach adopted by my colleagues in previous Hambleton appeals save for the task of determining the objectively assessed housing (OAN) need for the district. The main parties usefully agreed that the figure of 458 dwelling per annum (dpa), based on demographic and economic factors, is to be used as the OAN for the purposes of this appeal only. For the purposes of this appeal the following were also agreed :

- The five-year period considered in the analysis is 2015/16 to 2019/20.
- The backlog² of 744 is calculated over a period of three years from 2012/13. The backlog is to be met between 2015/16 and 2019/20 using the Sedgfield method.
- The District of Hambleton represents the most appropriate Housing Market Area (HMA).

Five-year Requirement

19. In establishing a figure for the district's actual annual requirement the parties diverged on the level of buffer to be added (5% or 20%), and whether the buffer should be applied to the requirement or to the total of requirement plus backlog. The other main source of dispute is whether a market signals uplift should be applied to the OAN.

20. The appellant presented four scenarios and estimated actual annual requirement ranging from 637 dpa to 934 dpa. These figures are based on buffers of 5% and 20%, with and without market signals uplift. The Council's preferred scenario (5% buffer added to OAN only) establishes an actual annual requirement of 630 dpa, or 637 dpa if the 5% was to be added to backlog and OAN. At my request, the Council also produced its calculations based on a 20% buffer.

5% or 20% buffer and its application

21. The NPPF trigger for applying the 20% buffer is a '*record of persistent under delivery of housing*'. The Planning Practice Guidance (PPG) recognises that the approach to identifying a record of persistent under delivery involves questions of judgments and that factors going into that judgment are not exhaustive.
22. At the Great Ayton appeal the parties agreed that 5% was appropriate. The Hubby Inspector applied the same level of buffer, in the absence of evidence showing that low completion rates had been a product of housing land shortages, and because the recession might have been responsible for under delivery in more recent periods. My colleague at Stokesley concluded from data on annual net housing completions presented to him that "[O]n its face, prior to examining underlying considerations, this represents '*persistent under delivery*'." He went on to apply the 5% buffer, on the basis of measures

² The term 'backlog' was used by the main parties at the inquiry.

- adopted by the Council to boost supply and because there was no inherent shortage of sites with planning permission.
23. The appellant argues that once a record of persistent under delivery is established, paragraph 47 of the NPPF requires the 20% to be applied and leaves no room for discretion to do otherwise. Furthermore, it is said that the flexibility allowed for in the PPG go into the assessment of whether there has been persistent under delivery, and is not used to establish the level of buffer to be applied. That interpretation may well be correct and, in the case of Hambleton, there are a number of factors influencing whether the Council's record warrants the 5% or 20% buffer.
24. The data going back to 2004/05 shows net completions running above or close to requirements between 2005/06 and 2008/09 before declining from 2009/10 onwards. It is more than likely that the marked decline was due to the economic conditions during what has been a protracted and deep recessionary period. The Inspectors at Huby and Stokesley were similarly persuaded. This view is borne out by the net completions in the last year (2014/15) rising substantially above completions in recent years. There is also continuing and unchallenged evidence of divergence between permissions granted and completions since 2011/12, which goes some way to confirm that the Council has been granting permissions at rates that the industry has been unable to match. The situation at Hambleton is very different from the Aston Clinton appeal referred to by the appellant. In that appeal the outstanding permissions of 7,000-9,000 units referred to by the Inspector as "*very large numbers*" does not apply here.
25. With these factors in mind, and applying my judgement as advised in the PPG, I believe that the reasons for the under delivery are not due to the Council's inactions but more likely caused by factors beyond its control. Furthermore, the past under supply cannot be attributed to the shortage of sites with permission. Therefore, having regard to the evidence before me, the Council cannot be charged with a record of persistent under delivery. I side with the previous Inspectors' decisions to apply the 5% buffer. Furthermore, the recent measures adopted by the Council (removal of the phasing strategy and introduction of the IPG) would reinforce its ability to provide "*...a realistic prospect of achieving the planned supply...*" (paragraph 47 NPPF) without increasing the buffer to 20%.
26. My colleagues in the Great Ayton and Stokesley appeals explained why the buffer should be applied to the district's housing requirement once the backlog has been added on. Their explanations provide convincing justification, based on the evidence put to them, for adopting a position contrary to the approach used by the Secretary of State at Gresty Lane.
27. The Council's continuing preference for the latter approach relies on advice in paragraph 030 of the PPG, which refers to the housing requirement figures in the adopted Local Plan as the starting point for calculating the five-year supply. The CS figure is out of date, but the Council claims that similar advice applies to the OAN figure and that the buffer should be applied to that figure and not to any backlog. I disagree. Firstly, for the reasons explained by my colleagues and second, because the OAN is a 'starting point' and not the actual requirement against which the five-year supply of land is to be judged.

Market signals

28. Under Paragraph 17 of the NPPF (third bullet point), planning is expected to proactively drive and support sustainable economic development planning to deliver (amongst other forms of developments) the homes needed. It goes on to state that "*[P]lans should take account of market signals.*" Within the plan-making section of the NPPF Paragraph 158 further exhorts local planning authorities to take full account of relevant market and economic signals when working towards ensuring that their assessment of and strategies for housing, employment and other uses are integrated. The PPG sheds light on "*how market signals should be taken into account*" and advises (at paragraph 020) on how plan makers should respond to market signals.
29. The appellant's evidence identifies the adverse conditions in Hambleton in relation to:
- rates of development: under-delivery has occurred consistently since 2008-2009 against the constrained CS target, apart from the present year (2014-2015);
 - house prices: an upward trajectory has been experienced since 2009. Between 2010 and 2013, prices have risen by 14% in Hambleton as compared to 7% in England (excluding London) and 4% in North Yorkshire;
 - rental price: growth in rental price in Hambleton has outstripped the England average for 1, 2 and 3 bedroom properties;
 - affordability ratios: in Hambleton affordability has been consistently higher than the average for North Yorkshire and England and remained high in the past five years, while other areas have improved;
 - Overcrowding: the volume and proportion of overcrowded households and concealed families have worsened between the 2001 and 2011 census; with 29% of the 20-34 age group living with parents in Hambleton.
30. The Council pointed to recent trends showing permissions outstripping completions and therefore a surfeit of permissions in the system to meet the need for additional housing. While agreeing that affordability is an issue for many residents, the Council also responded that it had not worsened materially. Furthermore, it is said that a statistically robust method of assessing hidden households or overcrowded homes does not exist. The Council denies that a market signals uplift is an appropriate response in Hambleton, particularly as an assessment cannot be carried out rationally in the context of a s78 appeal and that PPG advice is directed at plan makers and not decision takers.
31. The appellant's data shows that, of the five indicators analysed, at least one, if not all, points to issues of affordability and an imbalance between supply and demand. The Stokesley Inspector similarly concluded that "*...there was an unambiguous indication of under supply relative to demand.*" There is no evidence that circumstances have altered to such an extent in a relatively short period of time to take a different view on the matter. From the material

- submitted, the likelihood is that the district falls into the category recognised in the PPG as requiring an upward adjustment to planned housing numbers.
32. Counsel for the appellant claims that in the event of worsening trends in any of the market signals indicators, an upward adjustment to planned housing numbers is mandatory. The words in the PPG that “*..worsening trend... will require upward adjustment...*” are said to leave no scope for discretion as to whether such an adjustment should be made. However, that interpretation of the guidance is far too literal, plus it elevates guidance to the force of policy.
 33. On the other hand, and with the *Hunston* judgment in mind, in circumstances of an outdated housing policy environment, a full and objectively assessed need in a s78 appeal implies a ‘policy off’ unconstrained figure as much as it would when establishing the OAN for plan making purposes. Broader planning constraints come in play when deciding whether permission should be granted. Where development plan policies are out of date, it falls to the decision-maker to come to a judgement of housing need, based on the best evidence available and inevitably includes a range of factors, including market signals. Whether the uplift should be seen as an additional step in the Hambleton OAN analysis or complementary to it is immaterial to the present case, for reasons I explain below.
 34. The PPG advises plan makers to increase planned supply “*by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.*” The Stokesley Inspector rejected the concept of a market signals uplift on the basis that “*....such an ad hoc housing driven reaction, as opposed to an overall strategic response with employment and travel in mind, would run the risk of undermining the principles of securing sustainable development for the district as a whole.*” In other words, he was concerned that adding houses without consideration of the wider consequences would be an unwarranted reflex reaction.
 35. The appellant’s three different approaches to establishing an appropriate level of uplift results in annual requirements of 504, 512 and 565 dpa (before the buffer is added), with the last being favoured by the appellant. The basis for each approach is explained and derives from techniques used elsewhere. However, nowhere does the appellant explain the level at which the uplift would improve affordability without adverse consequences on sustainability. In the absence of a comparative HMA-wide consideration, there cannot be an informed analysis of the extent to which the scale of additional homes is deliverable within the economic, social or environmental cornerstones of sustainability. Plainly these are key factors to which regard must be given, in the interest of consistency with sustainable principles and to avoid the sort of ad hoc, reflex reaction the Stokesley Inspector was seeking to guard against.
 36. In effect, the evidence provided is not sufficiently comprehensive to come to an informed view on the appropriate amount of increase to apply, should it be considered necessary in the case of Hambleton. As it happens, excluding a market signals uplift from the calculations has no bearing on the Council’s five-year supply position or the outcome in respect of this appeal.

Conclusion on the five year and annual housing requirement

37. Given all of the above, the actual annual housing requirement I intend using for the purposes of this appeal is 637 dpa³, which accords with the Council's scenario based on the 5% buffer added after the backlog, and the appellant's version of the same but with no market signals uplift.

Deliverable housing land

38. Delivery of new homes is expected to come from three sources: allocated sites without planning permission; allocated sites with planning permission and windfall sites.

Allocated site without planning permission

39. The Council and appellant remained in dispute over the numbers likely to be forthcoming from eight sites from this likely source of supply. From the evidence and discussions at the round table session, my views on each of the disputed sites are as follows:

- Aiskew - Sites 765 and 767: The Council predicts a total rate of 110 from Sites 765 and 767 at the Pig Farm and land to the north east of it. The Council informed me that Linden Homes are in the process of preparing a full application for the former. The developers are active in the area and there is every possibility that 70 could be achieved within the five-year timescale from Site 765. There is no indication as yet of an application forthcoming for Site 767. For that reason, the Council's figure of 40 dwellings is overly optimistic. I have adopted what is a more realistic figure of 20 units, given the planning and development stages still to be completed.
- Aiskew - Site 762: An outline application for Site 762 is scheduled to be considered by committee in November 2015. The project is currently led by an agent and the number of steps that still need to be taken suggests a later lead-in time than the 2017/18 anticipated by the Council. The expectation of delivery of 75 dwellings from this source before the end of the five-year period is optimistic for that reason. I am more inclined to accept the appellant's figure of 55 units from this source.
- Snape - Site 775: This site is currently in use and occupied by stone merchants. Despite the Council's confidence that the owners wish to relocate to alternative premises, the site is not available now. Given the stages that still remain to be taken (including a buyer willing to purchase the site at a price acceptable to the current owner as well as relocation of the current use), delivery of new dwellings before 2019/20 is unlikely. My view is that 10 rather than 20 units would be a more likely figure for the five-year period.
- Brompton - Site 799: The Hubby Inspector described the site as challenging but recognised there was clear developer interest at the time. He concluded that 20 dwellings within the supply period was not an unrealistic expectation. The landowner is currently pursuing discussion with two sets of planning agents. The access issue is likely

³ 5 year requirement = 2,290 (458 x5) + 744 (backlog) + 5% = 3,186/5= 637 dpa

to be resolved and I can see no real impediment to the delivery of the 19 (net) dwellings anticipated from this site.

- Northallerton - Site 787: The Council submitted an email (dated 23 October) from planning consultants expressing the landowners' enthusiasm for progressing an outline application, and looking to enter into pre-application discussions. I understand that the contents of the email are little different to the evidence provided when the site was considered at the Stokesley appeal in June. Nothing in the evidence submitted leads me to a different view from my colleague who claimed that the "*...lead-in time to bring the site to the market and/or deliver new homes appears to undermine the reality of delivering any of the 72 dwellings within the period.*" The 90 dwellings anticipated by the Council should similarly be excluded from the calculations.
- Stokesley - Site 803: The Council confirmed that Taylor Wimpey will be submitting a planning application. With this information in mind, I agree that the site could readily bring forward 10 dwellings in 2016/17. A build-out rate of 35 dpa in subsequent years is not unreasonable, given the reputation and experience of the developer involved. The Council's estimate of 99 is reasonably realistic.
- Thirsk - Site 811: The Council promised more details from the agent but none was forthcoming before the inquiry closed. Without evidence of developer involvement or an application forthcoming for this site, it is difficult to be optimistic of delivery in the order of 20 and 25 homes from 2018/19 onwards. The 45 dwellings predicted by the Council have not therefore been included in the five-year supply.

40. In the light of the above, the total number of dwellings likely from the allocated sites without planning permission reduces the Council's estimated figure of 1,202 by 185 to 1,017.

Allocated sites with planning permission

41. By the end of the inquiry there were two disputed sites, considered below:

- East Cowton - Site 800: Permission for development on this site was granted for five years and expires in August 2016. The Council was confident that drainage issues that might be preventing development from proceeding would be resolved but presented no evidence to support that claim. I understand that for the purposes of the Stokesley inquiry no new homes were expected from this site over the five-year period. The material submitted does nothing to suggest that circumstances have altered sufficiently since June of this year to alter the prospects of delivery from the site, despite the extant permission.
- South west Thirsk area - Site 808 - The difference of 52 dwellings between the parties is down to lead-in times and build-out rates. The land is serviced and will speed up delivery; so this final phase of development of Site 808 is likely to yield completed homes by 2016/2017. Delivery rate of 35 dwellings per year may be the norm for this district, but build-out rates above this number have been achieved in recent years. Given that two national developers already active in this area are likely to be developing the site, there is a

realistic possibility of the 45 dpa build-out rate envisaged by the Council.

42. The total number of homes likely to be realised from allocated sites with planning permission is 45 less than the 1,105 dwellings envisaged by the Council. The number to carry forward to the land supply calculations is therefore 1,060.

Windfall sites

43. There is no dispute that delivery of new homes from windfalls is a feature of the district and, in accordance with the NPPF, an allowance should be made for this source of supply.
44. A figure of 384 net completions from windfall sites with planning permission was agreed. The parties however diverged on the annual supply from unidentified windfalls – 460 from the Council as opposed to the 193 envisaged by the appellant. The latter is based on the Council's historic track record over the past three years and assumes a rate of 100 dpa in years 2016/17-2019/20. The Council's total from all windfalls (less 10% non-implementation rate) amounts to 844 dwellings and the appellant's equivalent is 577 dwellings.
45. At the Stokesley appeal the Council considered it appropriate to apply a 'conservative' windfall estimate of 100 dpa to the housing supply calculation. The Inspector at Great Ayton also adopted the 100 dpa figure. The 150 dpa now proposed by the Council is attributed to a number of factors.
46. The data submitted shows that permissions were granted on windfall sites at an average rate of 258 per year in the last three and a half years. Some 26 units were permitted this year alone since the adoption of the IPG in April, and conversions under permitted development rights are expected to add to windfall numbers. These are encouraging signs demonstrating the effectiveness of the Council's policy direction, as well as its continuing support for new developments.
47. However, permissions do not necessarily translate to completions. The policy changes could indeed bring forward smaller sites in greater numbers, but the recent reversion in national policy with regard to provision of affordable housing on small developments could moderate the numbers forthcoming. It is too early to rely on the effects of the IPG or the data from the first quarter of 2015/16 to justify the scale of increases from windfall contributions now estimated by the Council. The evidence does not adequately support the change from the approach adopted at the Stokesley inquiry. I am therefore adopting the appellant's more conservative estimate of 577 units as the windfall allowance.

Conclusions on first main issue

48. I estimate that the total supply of deliverable land over the agreed five-year period amounts to 2,654. When measured against a requirement of 637 dpa (or 3,185 over five years) this results in a supply position of just over four years (or 4.17 years). The figure falls below five years by a greater margin than estimated by my colleagues at Great Ayton and Stokesley, but my calculations are based on the evidence put before me which differs in some respects to those presented at previous appeals. It has to be said that the Council's own assessment (based on the advised method of applying the 5%

buffer) falls marginally below five years (4.94 years), which confirms that the challenge of significantly boosting the district's supply of housing is not being addressed sufficiently.

49. Having concluded that a five-year supply of deliverable housing sites cannot be demonstrated, the relevant policies for the supply of housing cannot be considered up to date. It follows that, in accordance with paragraph 14 of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Before undertaking this planning balance, it is necessary for me to look at the sustainability aspects of the proposed development.

Sustainability (second main issue)

50. The NPPF identifies the three dimensions to sustainable development: economic, social and environmental. These are considered below separately, but recognising that the economic, social and environmental roles should not be undertaken in isolation, because they are mutually dependent.

The economic role

51. As acknowledged by the Council, construction jobs (60 full time equivalent jobs over the build period) and the potential for increased spending would bring economic gains to the area. The New Homes Bonus payment would also add to the local economy. Mr Clarke and other third parties argued that only limited value to the town occurs during construction, as evidenced from recent developments, and that new households do little to boost the fortunes of traders operating in Easingwold. The gains might not all be captured in Easingwold, but the development would bring benefits to the local and wider area. The proposal would contribute to the area's economy, which should be accorded positive weight in the planning balance.

The social role

52. The clearest social benefits of the proposal are the opportunities for boosting the area's supply of market and affordable housing. At least 50% of the homes would be affordable, in line with CS Policy CP9 and Development Policy DP15. This would represent a significant gain in a district with a net requirement of 320 affordable homes per annum and a shortfall year on year since 2004/05. Adding to the district's supply of homes in the circumstances of a deficit carries substantial weight in the overall balance.
53. The provision of a mix of house sizes, types and tenure intended would accord with CS Policy CP8 and Development Policy DP13. The layout offers the opportunity for improved linkages with existing footpaths in compliance with CS Policy CP2, which is a benefit to be carried forward into the balance. The areas of open and play spaces to be provided (as indicated on the illustrative masterplan) are necessary to meet the needs of the development and comply with CS Policy CP19 and Development Policy DP37. However, use of the open spaces by the wider community would bring with it a modest benefit to be considered in the balance.
54. The Council and third parties refer repeatedly to the range of new housing developments that have already taken place or are forthcoming in the Easingwold sub-area. Pressure on local services and infrastructure is a

significant source of objection by a number of third parties, mainly Easingwold residents and the Town Council. Recent developments are said to be eroding the character of the town and undermining its already strained services. Local GPs feel that the current local health service is ill-equipped to cope with the additional demands placed on it, although Mr Wood for the Council confirmed that the Clinical Commissioning Group had not called for additional health services to be provided.

55. The Council has a CIL charging schedule in place and the proposed development would make the necessary contribution through that levy. The intention of CIL is to allow authorities to secure financial contributions for community infrastructure, using a tariff based approach. The Council is responsible for directing the levy where it is needed, including health services. The developer is not expected to address the inadequacies in existing services, but to pay an appropriate levy to provide infrastructure to support the development of an area. In this case, the appellant has complied with the Council's CIL charges and will be contributing the appropriate amount to mitigate its impact on infrastructure.

The environmental role

56. Inevitably harm would occur from loss of an area of countryside and of land that, in part, comprises Grade 3a best and most versatile agricultural land. In those respects the proposal would conflict with CS Policy CP16 and Development Policy DP30.
57. Having concluded that there is a need to identify land for additional housing in the district, there is no suggestion that it could all be accommodated on previously developed land or land of lower agricultural quality. There is no evidence that development on the appeal site would harm the economic prospects of an agricultural holding. Loss of this piece of agricultural land is a negative aspect of the proposal, but in the circumstances carries only modest weight against the project.
58. The Council raises no objections to the scheme in terms of its visual or landscape impacts. The site comprises four arable field parcels abutting the built up edge of the town and lying to the north of Stillington Road. Buildings to the west of the site are mostly residential, C20 and of little architectural merit. The character of the landscape to the north and east of the site is typical of the Landscape Character Type 'Small Scale Remnant Field Pattern' of flat, large, open and exposed landscape. While the appeal site may be valued locally for its location in the countryside, it is not designated or recognised for its landscape or ecological qualities. Loss of this piece of greenfield land would not undermine the essential landscape character of the area, and harm in that respect would be limited.
59. The new development would be clearly visible in the approach to Easingwold from the east. It would be seen as an extension to the town - an urban form replacing arable fields. From the public footpath running alongside the site's northern boundary the change would be even more marked, albeit softened by the landscape strategy intended. Having accepted that some loss of countryside is inevitable in meeting the district's need for additional homes, the visual changes brought about by a residential development on 6 hectares of arable land would be unavoidable. Nevertheless, loss of countryside amounts to an environmental shortfall in policy terms, and for the visual impact that such a

- loss would engender. The matter weighs against allowing the proposed development.
60. Furthermore, the Design and Access Statement (DAS) does not fill me with confidence that the scheme envisaged would deliver a high quality environment or take the opportunities available for improving the character and quality of the area and the way it functions. Retaining existing features such as hedgerows and trees and creating a green infrastructure fits well with the aim of establishing a sense of place. Linking the development with the existing footpath would give the layout a degree of permeability and connection to existing developments. However, there is not much else in the illustrative layout or the intended architecture that could be described as inspiring or above the ordinary. The scheme lacks ambition and, if implemented in the way featured in the DAS, would fail to provide this gateway site to the town the high quality design outcome it deserves.
61. That said, as design, scale, layout and landscaping are reserved matters the criticisms I have of the scheme need not weigh against the project at this point. The reserved matters stage provides an opportunity to bring forward a design that would truly represent a development of some standing. High design standards are a policy requirement (CS Policy CP17 and Development Policy DP32) and not a benefit that would count in favour of the proposed development.
62. Residents are concerned about the town's character changing due to an influx of housing developments in recent years. However, the Council accepts new homes are required to meet the district's needs. As a Service Centre, Easingwold would be expected to accommodate a proportion of the additional houses required to meet those needs.
63. Retention of existing trees and the landscaping enhancements envisaged would be necessary to mitigate the impacts of the development. That no harm would be caused to features of historic, archaeological or ecological interest is not a benefit of the scheme but a requirement of policy (Development Policies DP28, DP29 and DP31), and carries neutral weight in the overall balance.
64. The Council withdrew its objections on drainage grounds. Local residents and the Town Council, however, maintain that the proposal would increase the risk of flooding, which already occurs due to an overloaded combined foul and surface water drainage system. Recent flooding in residents' homes and gardens, evidenced by the photographs included in written representations, raises real concerns about adding to a system that may not have the capacity to accommodate new developments.
65. Yorkshire Water withdrew its initial objections to the proposed development on the basis that recent maintenance works at its waste water treatment site has increased capacity in the system. It confirmed that the foul water drainage from development of the appeal site is capable of being accommodated within the upgraded system. Furthermore, with measures in place to secure a sustainable surface water drainage system, the appeal development would not add to problems in the network nor increase the risk of flooding.
66. The new development would be within easy access of a range of day to day essential facilities and services available in Easingwold. The employment and shopping opportunities further afield would be no more or less accessible by

different modes of transport than currently enjoyed by residents occupying existing homes on Stillington Road, including those currently under construction. The proposal would be consistent with the tenor of Spatial Principle 3 and CS Policies CP4 and CP6, which are relevant insofar as they direct developments to locations along the lines of the settlement hierarchy strategy established in the CS. A Travel Plan (secured by condition) would encourage a sustainable travel pattern for residents, in accordance with Development policy DP3.

67. On the face of it, the development would fall foul of Spatial Principle 2 and its application to the Easingwold area as an 'area of restraint'. However, at the inquiry the Council confirmed that, due to the effectiveness of its policies, concerns about commuting patterns no longer applied, which was the purpose of identifying Easingwold and Stokesley as 'areas of restraint'. There is no evidence to show that the proposal would undermine that improving position or give rise to unsustainable commuting patterns.
68. The Highways Statement of Common Ground confirms that there are no capacity issues on the local network to warrant refusal of the development. With an appropriately designed access point to serve the development and implementation of off-site works at the Stillington Road/York Road junction for safety reasons, the proposal would be acceptable on highway grounds.

Conclusions on sustainability, compliance with the development plan and the planning balance (third main issue)

69. The proposal would deliver economic gains from a number of sources, including construction-based employment, New Homes Bonus and increases in local spending, although not necessarily all to the benefit of Easingwold. Delivery of affordable and market homes would comprise the most significant social benefit, particularly in the circumstances of the Council's current shortfall in housing land to meet the district's needs. The loss of Grade 3A agricultural land and development extending into the countryside count against the proposal on environmental grounds, albeit that the harm in agricultural terms would be limited and there is potential for the design to mitigate some of the landscape and visual impacts of the development.
70. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration of some substance.
71. The proposal would comply with the general development management policies of the development plan should the principle of development in this location be regarded as acceptable. It would be broadly consistent with the underlying spatial principles of CS Policies CP1 and CP2. As CS Policy CP5 is out of date, and in the light of my conclusions on the Council's five-year supply position, it follows that the restraining functions of CS Policies CP4, CP6 and Development Policies DP8 and DP9 should also be set aside. Similarly, the relevance of Policy CP5A is questionable, given that it flows from Policy CP5 and a superseded housing target for the district. In the absence of the Council's inability to meet its present needs, a growing year on year affordable housing shortfall and without an up to date total housing annual target in the development plan, the claim that the proposal would lead to an oversupply of housing in Easingwold cannot be supported.

72. Turning then to the overall planning balance and the requirements to determine this appeal in accordance with the development plan. The social and economic benefits of the scheme are considerable and sufficient to outweigh the adverse impacts identified. The conflict with the relevant and up to date policies of the development plan would be limited to CS Policy CP16 and Development Policy DP30 covering loss of countryside and of best and most versatile agricultural land. In all other respects the proposed development would comply with the development plan, and with the policies of the NPPF taken as a whole. In the light of all that is said above, I regard the proposal as sustainable development.

Community Involvement

73. The Council pursued its eighth reason for refusal on the basis of the appellant's failure to work closely with the community and evolve the design by taking account of the views of local people. There was no dispute that consultations had taken place but the Council's complaint is that there was no engagement beforehand to agree the nature of the consultation to be undertaken. Furthermore, as there was very limited public interest in the exercise and the appellant did not respond to relevant comments, the Consultation Statement should be given little weight.
74. The pre-application level of engagement may not meet the Council's standards but paragraph 66 of the NPPF encourages close working with those directly affected by the proposal; it is not a requirement. In any event, I am satisfied that members of the local community have had a number of opportunities to present their views through the application and appeal processes. Many of the points raised in the representations have been addressed in this decision. The issue of claimed inadequacies in the pre-application consultation exercise, therefore, carries little weight in my considerations.

Planning Conditions

75. A list of suggested conditions was circulated before and during the inquiry, all bar one of which was agreed between the main parties. The reasons for imposing conditions are recorded below and where necessary the wording has been modified for clarity or to accord with advice in the PPG.
76. As an outline application, a condition to secure the submission of reserved matters is necessary. To ensure that the proposed development delivers new homes as soon as possible, the time limits for submission of reserved matters and implementation on site have been reduced; the timings are the same as those accepted in the Stokesley decision.
77. For the avoidance of doubt and in the interest of proper planning, a condition identifying the application plans is included. The plans listed include details of the access and off-site highway works. In the interest of achieving a high quality scheme, it is necessary to secure a detailed Landscape Masterplan and Strategy to accord with the principles in the DAS. A phasing scheme is necessary for a properly planned and co-ordinated development. To limit the scope of the permission to that applied for, and considered in the evidence, the number of dwellings is not to exceed 175.
78. The provision of 50% affordable housing is necessary to accord with CS Policy CP9 and to contribute to the district's needs. In the interest of providing a mix

of housing types, and as required by CS Policy CP8 and Development Policy DP13, a condition is imposed securing a minimum of 10% two bedroom single storey dwellings.

79. To achieve a high quality, secure and energy efficient environment, conditions are necessary to address boundary treatments, Secured by Design principles, provision of on-site amenity space (including play facilities) and to ensure that at least 10% of the development's energy supply would come from renewable sources. In the interest of preserving the site's biodiversity, a suite of conditions are imposed to identify and protect roosting bats and habitats of breeding birds.
80. There was no disagreement over the need to impose a condition covering surface water drainage, given local ground and drainage conditions. The Supplementary Foul Drainage Statement of September 2015 confirms Yorkshire Water's position that there is adequate capacity in the system. There would be adequate time for the statutory authority to take the necessary measures to satisfactorily accommodate the new development, and a condition along the lines suggested is not required.
81. A condition is necessary to establish and counter the possible presence of contamination in the ground. The wording has been modified and is similar to the condition imposed in the Stokesley decision. Another condition is imposed to investigate and provide, if necessary, a programme for works to be undertaken in relation to archaeological remains.
82. To ensure that neighbouring properties, residents and highways users are not unduly affected by construction of the development, a condition is included requiring the construction works to be undertaken in accordance with an approved Constriction Method Statement.
83. A Travel Plan was submitted by the appellant. Securing the Plan with a condition is necessary, in the interest of maximising use of sustainable transport choices. The Highways Statement of Common Ground identifies the details of on-site and off-site highway works, including a programme for the works to be approved before development commences. In the interest of the safety and convenience of highway users, it is necessary to secure these details by condition and ensure that the development is completed in accordance with the approved details. The wording has been adjusted for clarity or to avoid repetition of other conditions.
84. The York Road/Stillington Road priority junction is proposed to be converted to a mini-roundabout. The works are necessary to reduce speed along York Road and improve road safety. The wording of the suggested condition has been modified for clarity. Furthermore, there is merit in Mr Clarke's suggestion for changing the wording to ensure that no dwelling is occupied before the necessary off-site works are completed. Given the importance of the roundabout for highway safety reasons, a separate Grampian-type condition is imposed.

Conclusions

85. For the reasons explained, I am allowing the appeal subject to the 26 conditions, attached at Annex B, and find that no other matters either

individually or collectively alter the balance of my considerations or weigh against my decision.

Ava Wood

Inspector

Annex A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel	Instructed by Hambleton District Council
He called	
Mark Harbottle BSc	Head of Service for Planning and Housing,
MRTPI	Hambleton District Council
Tim Wood BSc MRTPI	Development Manager (South), Hambleton
	District Council

FOR THE APPELLANT:

Satnam Choongh of Counsel	Instructed by Gladman Developments Limited
He called	
Darren Wisher BA MA	Managing Director, Regeneris Consulting
(Econ)	
Mark Johnson BSc	Managing Director, Johnson Brook, Planning and
MRTPI MRICS	Development Consultants

INTERESTED PERSON:

Michael C Clarke CEng MICE	On behalf of Easingwold Town Council and
MIMMM	Easingwold Neighbourhood Plan Steering Group

ROUND TABLE APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Jonathan Easton
Mark Harbottle
Tim Wood
Fred Pippett
H Langler

FOR THE APPELLANT

Satnam Choongh
Mark Johnson
Richard Mowat

DOCUMENTS SUBMITTED AT THE INQUIRY

ID No	Date	Title	Submitted by
1	27/10	List of addressees consulted on the appeal	HDC
2	27/10	Appeal Decision 2212604, Sandbach	GDL
3	27/10	Opening statement on behalf of appellant	GDL
4	27/10	Opening statement on behalf of HDC	HDC

5	27/10	Summary of Mr Clarke's statement to the inquiry	Mr Clarke
6	27/10	Letter from Easingwold Town Council (dated 22/9/15) regarding drainage concerns	Mr Clarke
7	27/10	Easingwold Neighbourhood Plan, draft consultation September 2015	Mr Clarke
8	28/10	Joint note prepared by HDC and GDL	HDC/GDL
9	28/10	Mr Harbottle's revised Appendix 1, Gross new permissions	HDC
10	28/10	HDC 5 year supply position	HDC
11	28/10	GDL 5 year supply position	GDL
12	28/10	HDC Housing Supply Summary as at 30/9/15	HDC
13	28/10	Email from Mr Peach to Mr Peter Jones, regarding Site BH9, Leeming Bar, dated 19/10/15	HDC
14	28/10	Letter to HDC, dated 20/10/15, regarding Site BM3, Statin Yard, West Tanfield	HDC
15	28/10	Email, dated 23/10/15, from Barton Willmore regarding Site NM5C, Northallerton	HDC
16	28/10	Extract from Applicant Questionnaire (in response to call for sites) regarding Site SH2, north of Sowerby Crescent	HDC
17	28/10	Appeal decision, 2228762, Mickleton	HDC
18	28/10	Dwellings gained by relaxation of phasing policy	HDC
19	28/10	Evidence before Stokesley inquiry in relation to permissions and completions 2010/11 – 2014/15	HDC
20	29/10	Extract from MJ evidence to Stokesley inquiry	HDC
21	29/10	Response from Mr Holliday to Inspector's questions	GDL
22	3/11	List of suggested conditions agreed between the main parties	HDC/GDL
23	3/11	Appellant's note on why no foul drainage condition is necessary	GDL
24	3/11	Closing submissions on behalf of local planning authority	HDC
25	3/11	Closing submissions on behalf of the appellant	GDL
26	3/11	Copy of judgment Solihull MBC v Gallagher Estates Limited and Lioncourt Homes	GDL

Annex B

Schedule of Conditions

Approval of Details

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. The development hereby permitted shall be carried out in general accordance with the details shown on:
 - a) Development Framework Plan – Drg. No. 5566-L-01 Rev D.
 - b) Proposed Access – Drg. No. 0397.01 Rev C (Croft Transport Solutions – Proposed Site Access Arrangement).
 - c) Proposed mini-roundabout Drg No. 0397.02 (Croft Transport Solutions – proposed mini-roundabout Stillington Road/York Road).
3. The development hereby permitted shall comprise no more than 175 dwellings.

Timing of Implementation

4. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission
5. The development hereby permitted shall be begun either before the expiration of:
 - a) 18 months from the date of this permission; or
 - b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

6. Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping

7. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (Framework Plan Drg No 5566-L-01 Rev D) to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy shall be implemented in accordance with the phasing details approved under Condition 6 above.

Archaeology

8. No development shall take place within the application site until a written scheme of archaeological investigation including the methodology of

further investigation works and a programme for the works to be undertaken (the Archaeological Scheme) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with Archaeological Scheme.

Affordable Housing

9. The development shall not begin until a scheme for the provision of affordable housing as part of the development, (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The Affordable Housing Scheme shall include:

- a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 50% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council
- b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 75 open market dwellings on the site;
- c) the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council; the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Housing Mix

10. A minimum of 10% of the dwellings on the site are to be two bedroom single storey dwellings.

Construction Method Statement

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) the hours of work
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development

- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) means of protection of trees and hedgerows during site preparation and construction; and
- j) access arrangements for emergency vehicles during the construction phase.

Surface Water Drainage

- 12. No development shall take place until details of the surface water drainage works for the development as a whole have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works required for that dwelling have been implemented in accordance with the approved details.
- 13. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) timetable for its implementation, and
 - b) management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Ground Contamination

- 14. No part of the development shall commence on site unless and until:
 - a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Phase 1 (Desk Study) Investigation Report). This shall be submitted to and approved in writing by the Local planning Authority prior to the investigation work being carried out on site;
 - b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
 - c) a method statement and remediation strategy, based on the information obtained from b) above, including a programme of works, have been submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

Biodiversity

- 15. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for

implementation, are to be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

16. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be agreed, implemented, and if necessary maintained in consultation with Natural England, and confirmed in writing by the Local Planning Authority.
17. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed within the period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Boundary Treatments

18. The development shall not commence until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
19. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with Condition 18 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
20. No part of the existing boundary hedges of the site shall be uprooted or removed or be reduced below a height of 1.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

Secured by Design

21. The reserved matters submission shall include details that show how 'Secured by Design' principles have been incorporated into the scheme. Once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved. The Secured by Design principles shall include measures to be implemented during the construction phase.

On-site amenity space, children's play and young people's facilities

22. The development hereby permitted shall not commence until a scheme for the provision of on-site amenity space, children's play and young people's facilities, including a timetable for implementation, management plan and arrangements for future management, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed in perpetuity in accordance with the approved details and thereafter retained.

Sustainable Energy

23. At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of physical works on site, shall be submitted to, and approved in writing by the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

Travel Plan

24. No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the Local Planning Authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

Highways

25. No development shall take until details of the proposed highway layout and construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The details shall include but not be limited to:
- a) Road construction;
 - b) Lighting;
 - c) Independent Stage 2 Safety Audit carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations; and
 - d) A programme for completion of the works.
26. No development shall take place until a scheme of highway improvements comprising a roundabout at the junction of York Road and Stillington Road has been submitted to and approved in writing by the Local Planning Authority. The highway improvements shall be completed in accordance with the approved scheme before the first dwelling is occupied.

End of Conditions

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Parish: Great Ayton
Ward: Great Ayton
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Committee date: 14th September 2017
Officer dealing: Mr Kevin Ayrton
Target date: 15th September 2017

17/01431/OUT

Outline planning application with all matters reserved for the construction of 5 bungalows

At: Land east of Langbaugh Ridge, Great Ayton

For: Mr & Mrs P Scrope

This application is referred to Planning Committee at the request of Councillor Kirk Ron and the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site relates to a rectangular parcel of land to the north of Guisborough Road (A173) within the settlement of Great Ayton. The site is currently grassland and extends to approximately 0.33 hectares. There is an existing field access that is proposed to be upgraded to allow vehicular access to the 5 bungalows.
- 1.2 The site boundaries are a combination of hedgerows, post and wire fencing and a brick boundary wall which defines part of the boundary with the property of Langbaugh Ridge. There is large mature tree centrally located adjacent to the northern boundary of the site.
- 1.3 The site is located outside of the Development Limits of Great Ayton, thus within the open countryside. Great Ayton is classified as a Service Village within the settlement hierarchy. The property of Langbaugh Ridge is a detached bungalow located adjacent to the northern and western boundary of the site. On the southern side of Guisborough Road are a range of residential dwellings, with open countryside to the north and east of the site. 150 metres to the north of the site is Langbaugh Hall, a Grade II listed building, which is well screened by trees.
- 1.4 Outline planning approval is sought for the construction of 5 detached bungalows. Each bungalow would have its own private garden space and car parking. An illustrative/indicative layout has been submitted as part of the outline application, but Members should note that this is simply indicative at this stage.
- 1.5 There are no matters for approval at this stage. Therefore, the matters of access, appearance, landscaping, layout and scale would be for a later application if this outline planning application is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning or enforcement history.

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 DP9 – Development outside Development Limits
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

4.0 CONSULTATIONS

- 4.1 Parish Council – concerns regarding the fact that the site is located outside the Development Limits of the settlement and that the development would grow over time. Concerns about the quarry which is now a tip and the associated problems of this regarding flooding and gases. Concerns have also been raised regarding traffic.
- 4.2 Highway Authority – no objection to the proposal. Recommend conditions regarding the discharge of surface water, the construction requirements of the private access/verge crossing, details of access, turning and parking, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development.
- 4.3 Environmental Health – no objection based upon amenity and the likelihood of nuisance from the development,
- 4.4 Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development to be able to assess our capacity to treat the flows from the development. A condition regarding this information is requested.
- 4.5 Public comments

4 letters of objection have been received from local residents. A summary of their objections include the following:

- The site is a greenfield site and should not be used for housing
- There is not a need for bungalows. There are already properties for sale within the village and other developments have been given planning consent
- Access would be on a bad bend on a busy main road between Stokesley and Guisborough
- The development would add traffic to the existing excess traffic within the village
- The land gets waterlogged
- The development is isolated and residents would need to drive to local amenities
- The proposed bungalows look like cow byres. As this development is not a barn conversion but for a new build, it is not appropriate for this area

Members should note that the full letters of objection can viewed on the Council's website.

5.0 OBSERVATIONS

5.1 The main issues to consider are:

(i) the principle of development in this location; (ii) the impact upon the character and appearance of the surrounding area; (iii) the impact upon the amenity of neighbouring occupiers; and (iv) highway safety

The principle of development

5.2 The site is located outside of the Development Limits for Great Ayton.

Policy DP9 (Development outside Development Limits) 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 (Settlement hierarchy) and, as such, the proposal would be a departure from the Development Plan.

5.3 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".

5.4 To ensure consistent interpretation of the NPPF alongside LDF 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.

5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

5.6 In the Settlement Hierarchy reproduced in the IPG, Great Ayton is identified as a Service 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 and achieving sustainable development.

Character and appearance

- 5.7 Criterion 2 of the IPG requires development to be small in scale. The guidance expands on this definition as being normally up to five dwellings. Criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form of the environment and the impact upon the open character and appearance of the countryside. Furthermore, the supporting text in the IPG refers to 'proposals which are small in scale and which provide a natural infill or extension to an existing settlement'. This is consistent with Policies DP30 and DP32 of the LDF.
- 5.8 In making this assessment it is noted that the application is in outline form with all matters reserved.
- 5.9 However, criterion 2 of the IPG specifically requires the development to 'reflect the existing built form and character of the village'. It is considered that the development does not relate well to the existing residential development on the opposite side (south) of Guisborough Road. The illustrative layout shows a cul-de-sac of 5 bungalows, rather than replicating linear residential development on the opposite side of Guisborough Road. Instead, the proposed layout, form and detailed design is reliant upon reflecting the built form found in the surrounding countryside, rather than the grain of the village. The Design and Access Statement acknowledges this by stating that "the proposed development resembles a converted farmstead, which is entirely consistent with the site's immediate character of scattered pockets of dwellings and converted buildings".
- 5.10 Guisborough Road (A173) offers a very clear physical barrier between the main built up area of Great Ayton and the wider open countryside. As you travel through the village from the west, there is a clear end stop on the north side of Guisborough Road in the form of the dwellings of Skottowe Drive. There are then allotments, the road junction that goes towards Middlesbrough (B1292) and then the application site.
- 5.11 Whilst it is noted that there are some examples of isolated residential development; the overall character is of open countryside on the north side of Guisborough Road. It is therefore considered that to develop residential development on the site would result in harm to the character and appearance of the surrounding countryside and fails to comply with Criterion 3 and 4 of the IPG.

Residential amenity

- 5.12 The indicative layout shows that the proposed dwellings would have a sufficient amount of amenity with regard to privacy, outlook and natural light, with gardens that allow for a sufficient private amenity space commensurate to the size of the dwellings.
- 5.13 It is also considered that due to the proximity of the proposed dwellings to the residential properties along the south side of Guisborough Road and Langbaugh Ridge, there will not be a material adverse impact upon the amenity of these occupiers.

Highway safety

- 5.14 The Local Highway Authority has considered the application and raised no objection to the proposals subject to conditions. The principle of improving the existing 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.

Other matters

- 5.15 The agent has stated that there is a pressing need for specialist older persons housing within the Stokesley Sub-Area. They acknowledge that the application has been submitted as an IPG scheme, but the objective of the applicant is to satisfy the demand for specialist older persons housing within Great Ayton.
- 5.16 The agent has stated that they would be willing to accept a planning condition restricting occupation to persons aged 60 years and above. They have also stated that they are committed to equipping each bungalow with the necessary fixtures and fittings to create a safe and accessible environment for the eventual occupiers of the development. Key features would include walk-in showers, grab rails, intruder alarms, door entry systems, accessible light switches and sockets etc. Again the applicant suggests that this would be secured through planning condition.
- 5.17 In terms of the overall planning balance, whilst the above offer for the 5 bungalows to be occupied by the over 60s is material to the consideration of the application in terms of justification, this is not considered to outweigh the fact that the proposal fails to comply with Criterion 3 and 4 of the IPG.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons
- 6.2 The proposal would extend residential development outside of the Development Limits of Great Ayton and would have a detrimental impact upon the open character and appearance of the surrounding countryside. Furthermore, the proposal fails to reflect the existing built form and character of the village. The proposal would therefore be contrary to Local Development Framework Policies CP4, DP9, CP16 and DP30. No exceptional case for development beyond the Development Limits, as allowed for by Policy CP4, has been made.

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16/01987/OUT

**Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings as amended by details received by Hambleton District Council on 25th May 2017.
at The Garage Low Street Husthwaite North Yorkshire
for Mr & Mrs Walker.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The 0.16 hectare site lies on the north side of the village. The land which is in a mixture of domestic and commercial use has a short frontage, about 12m, to Low Street, the site is deep extending 100m and widens out to the width of 'The Garage' site and the width of the adjacent dwelling, a width of about 21m, Cleveland House that is within the control of the applicant. Part of the proposal would involve work on or very close to the neighbouring dwelling Carlbury that stands to the east of the site.
- 1.2 The neighbouring properties are: to the west the Public House, and to the east a residential property as noted above, 'Carlbury'. The land to the north is in agricultural usage. To the south across the village street are residential properties.
- 1.3 The site frontage is occupied by a yard behind which stands a range of buildings smithy and stables and more recently in use in conjunction with a landscaping business.
- 1.4 The application is in outline form, unusually, the reserved matters are supplied for all but the landscaping details of the site. The scheme details have been amended during the life of the application, initially 4 dwellings were proposed. Following extensive discussions with neighbours, Parish Council, professional advisors and officers of the Council the details have been amended to show the layout of 3 dwellings, one standing close to Carlbury enclosed by a walled garden and with parking to the rear, two further dwelling set further to the north. The scheme comprises two 2 bedroom dwellings and one 3 bedroom dwelling, served by vehicular access across the frontage of the site and provision of parking space for all 3 dwellings and the adjoining Cleveland House.
- 1.5 Drainage is proposed to be achieved by a mixture of soakaway, other sustainable drainage systems and the main sewer. No details are supplied of foul drainage.
- 1.6 Some parts of the land are acknowledged to be "suspected" to hold contaminants from previous uses. As the proposal is for a 'vulnerable' use decontamination is anticipated to be necessary.
- 1.7 The site lies within the Husthwaite Conservation Area. A Heritage Appraisal prepared in May 2017 to support the application notes that the village is considered to be a well preserved example of a medieval linear settlement. The site has a long history of commercial use including as a smith in the 18th century. The Appraisal in summary states:

"Plot 1 will be an infill development, situated between existing properties... The proposed dwelling will be of a small scale, set back from the road and will take design cues from other historic buildings in the vicinity, including its materials, form, fenestration and garden layout. Plots 2 and 3 will be located to the rear (north) of

Plot 1 and existing dwelling, Cleveland House, in the approximate historic location of the former smithy and stables. Landscaping will set these at a lower level than the road, in order to minimise visibility from Low Street and maximise the opportunity to open up new glimpse views of the North York Moors National Park to the north. These two dwellings will adopt the style of traditional agricultural or service buildings, such as smithies and barns positioned to form a courtyard layout.”

- 1.8 The Listed Grade II* church of St Nicholas lies approximately 95m east of the site along with a Grade II Listed tomb. Other Grade II Listed dwellings in the village are more distant.

- 1.9 The front of the site is within Development Limits however much of the site is beyond the Development Limits.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/00898/FUL Outline application of the demolition of existing garage buildings and construction of three dwellings. Application withdrawn 30 June 2008

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy 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 DP10 - Form and character of settlements
Development Policies DP17 - Retention of employment sites
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
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Husthwaite Parish Council – initially raised concerns but following consideration of the revised details advise that the Council wish to see the application approved and note that:
Although the two proposed dwellings to the rear of Cleveland House are still well behind the Husthwaite Development Limits, the proposed footprint will not exceed that which is already in existence. By replacing the derelict buildings there will be a positive visual improvement to the streetscene within the Husthwaite Conservation Area.

The reduction in height of the proposed dwellings is appreciated, given the concerns voiced by neighbours.

The modest residential courtyard development is more fitting to the character of our village.

- 4.2 NYCC Highways – Recommend conditions be applied relating to discharge of surface water, visibility splays, parking and turning and construction management.

- 4.3 Neighbour notification – representations have been received by and submitted by professional agent on behalf of neighbours raising the following concerns

The development has potential to harm the Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty that it backs on to.

Scale, the lack of a topographical survey makes it impossible to discern whether the visual impact is acceptable.

Overlooking and loss of privacy – subject to the use of opaque glazing to reduced the potential for overlooking the impact on Carlbury and a condition to prevent additional opening on the east side and in the roof of the new dwellings if this could give rise to overlooking the revised proposal are considered acceptable in respect of privacy.

The lack of topographic survey and proposed details of the levels full assessment cannot be made.

The impact from the use of the carports cannot be fully assessed as the details of the car ports are not supplied.

The works would have an impact on the trees and hedgerows that is understated.

Foul drainage arrangements are unclear and due to the absence of levels it is not possible to ascertain if the dwellings will drain under gravity to the foul sewer that is assumed to be in the village street or will require pumping.

One comment is made noting support, advising they would rather see residential development than continued commercial use of the site.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in this case are (i) the impacts upon the heritage assets (Conservation Area and Listed Buildings), (ii) the principle of residential development, (iii) the loss of the economic use (iv) neighbour amenity (v) access and highway safety

- 5.2 As noted in the first section of this report the application is in outline form. Landscaping is a reserved matter.

Heritage assets

- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.4 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.

- 5.5 The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be

weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

- 5.6 Assessment of the heritage asset has been undertaken by a heritage consultant "Humble Heritage Ltd" acting for a neighbour and subsequently by consultants acting for the applicant "Northern Archaeological Associates Ltd". The assessment work of each consultant considered the settlement and the heritage assets and then assessed the scheme that was proposed at the time of their report. Amendments were made to the proposal in the light of criticisms raised by neighbours. The most recent report is that of the applicant's consultant as this considers the amended scheme that is now under consideration.
- 5.7 The development will result in substantial change to the character of part of the Conservation Area. Both consultants conclude that the 'modern' buildings that occupy the site cause harm to the Conservation Area and removal would be beneficial, the harm is particularly severe due to the central position of the site to the Conservation Area, close to the village green and the Church of St Nicholas. These are described in the Husthwaite Village Plan as the:
- 'dominant site at the centre of the village' and the church is 'the spiritual and dynamic heart of the village, loved and valued by both its residents and visitors. From its centre, the curved flow of the ancient lines of dwellings give character to the village scene'*
- 5.8 Concern of the backland development shown in the initial proposals is identified, together with observation that this did not reflect the established grain of the settlement of 'toft and croft' (the dwelling and the land behind).
- 5.9 The concerns have been addressed by amendments to the scheme. The details show proposed infilling and restoration of the street frontage to a form that is appropriate to its neighbours, provision of a walled front garden and simply detailed dwelling of modest proportion set back so as not to dominate the scene or challenge the importance of the two dwellings, Cleveland House and Carlbury.
- 5.10 The plots to the rear have been shown to be reduced in scale and massing and make reference in siting and detailed design to the earlier use of the land for blacksmith and stables.
- 5.11 The Northern Archaeological Associated report summary identifies the benefits of the demolition of the corrugated metal clad shed which is an eyesore, and its *"sensitive replacement will have a positive impact upon the significance of the conservation area."* Note is made of the considerable potential for survival of medieval remains associated with the foundation of the settlement though subsequent uses are likely to have disturbed these and the need for mitigation strategy to be provided. The removal of the large shed will have a positive impact on St Nicholas' church by restoring it to prominence when viewed from Elphin Bridge Lane to the north of the site (Elphin Bridge Lane is the minor road between Husthwaite and Carlton Husthwaite). The recognition in the revised details of the significance of the heritage assets has lead to a revised design that in the opinion of the conservation consultants respects the character of the place and allows an overall conclusion that:
- "no harm will be caused to the significance of the Husthwaite Conservation Area and there will be some positive impacts which function to preserve and enhance elements of the area's character."*
- 5.12 The conclusion reached by the consultant is considered to be supported by the evidence of the character assessment and the drawn details submitted with the

application and accordingly the scheme is considered to meet the policy requirements of the LDF as well as the NPPF and meets the requirements of the Act as set out above.

The principle of residential development

- 5.13 The site lies mainly outside of the Development Limits of a settlement that is a Service Village within the hierarchy of the CP4. LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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".

- 5.14 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.15 Husthwaite is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to and partially within Development Limits. It is noted that the site is very close to other properties within the settlement and close to local facilities including a public house and school. The proposals would relate well to the existing settlement and are acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.
- 5.16 The Interim Policy requires compliance with the 6 features of the policy
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
- 5.17 It has been noted above that the site is well placed to support local services and that it is small in scale, comprising 3 dwellings. The consideration of the impact on the historic environment has found no harm and some benefits. The close relationship to the existing built form of the village is such that it would not lead to an adverse impact on the open character or appearance of the countryside, rather it would enhance the

scene by removal of an unsightly shed. There is no evidence to suggest that the capacity of existing infrastructure would be exceeded by the proposal. The following part of this report assesses whether the proposal would conform with the other relevant policies of the LDF, notably relating to the loss of an employment use and the design details of the scheme.

Loss of employment use

- 5.18 The redevelopment of the land would result in the loss of a place that has been used for the operation of a landscaping business. The applicants have advised that

“The business is called ‘All Seasons Lawn Turf’ and provides landscape gardening in the local area. It is a small business run by Mr Walker and employs one member of staff on a part-time basis. It generally operates through the summer months. Mr Walker intends to retire in the near future due to his age and the physical nature of the job. Furthermore, Mr Walker’s sons, Joe & Ben, are both employed in white-collar industries and do not wish to continue the business.

The former garage building is in a poor state of repair and would require significant investment to maintain an employment use on site.

Regardless of the outcome of this application, employment use on the site will cease in the near future.”

- 5.19 The value of the premises and the harm through the loss of the premises is to be considered in the light of the benefits explained above in the provision of additional housing in a sustainable location that are of a form that will meet the local needs and which achieve gains for the character of the place and remove a potential cause for disturbance to neighbouring residential occupiers. On balance it is considered that the loss of employment use is outweighed by the benefits of the redevelopment.

Design

- 5.20 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.”
- 5.21 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.
- 5.22 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.”

- 5.23 The design evolution documents clearly explains the efforts made to engage with the community to influence the design and how the design has evolved through dialogue to respect the character of the Conservation Area and to address the concerns of neighbours in respect of overlooking and loss of amenity through disturbance due to vehicle movements. It details how the site layout has changed to reduce the impact on hedgerow and trees and how the levels of the site can be addressed to avoid the new dwellings dominating the scene or being overbearing the neighbours.
- 5.24 The Statements supplied by the applicant (and the neighbours consultants) describes the character of the surrounding area and how the scheme has been adapted in the light of the findings of the consultants work and discussions with neighbours and Parish Council. Whilst there are no above ground features within the site that merit protection the revised scheme acknowledges the importance of: the boundary features of the site and the context of the site; the neighbouring dwellings and their amenity; as well as the Conservation Area and setting of Listed Buildings; to the success of the scheme.
- 5.25 The concerns expressed by neighbours at Carlbury in respect of the impact upon the amenity of their dwelling has been addressed, whilst there will be a changed impact it is considered that the impact overall through the removal of the current use and building and the introduction of a new residential use and buildings will be neutral or positive as the potential for disturbance from an unconditioned commercial use is reduced and the removal of the shed will enhance the scene. The protection and reinstatement (as appropriate) of boundary hedging between the application site and Carlbury can be required by planning condition.

Planning balance

- 5.26 In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhancing the character and appearance of the heritage asset. It has been found that the scheme will protect and enhance the Conservation Area and setting of the Listed Church of St Nicholas. The scheme will not cause harm to environmental interests and will create new housing of a size and type that will help to address local needs and any harm caused by the loss of the economic use of the land is outweighed by the benefits identified. There is potential for net gains to be achieved in respect of environmental matters through the decontamination of the site and landscaping proposals.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED**
1. The development hereby permitted shall be begun within two years of the date of this permission.
 2. The development shall not be commenced until the reserved matters have been submitted to and approved by the Local Planning Authority for the landscaping of the site.
 3. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
 4. The windows on the west elevation of buildings on Plot 1 and Plot 3 shall at all times be glazed with obscured glass.

5. 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.
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. 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.
7. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The approved scheme shall be implemented in full during the life of the development.
8. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
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.
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 above.
11. 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.
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 43m measured along both channel lines of the major road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall

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

13. 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" received 25th May 2017). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. 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.

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

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

16. 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.

17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered proposed site plan and proposed details received by Hambleton District Council on 25 May 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

2. To enable the Local Planning Authority to properly assess the landscaping of the site which is a reserved matter and details of which need to be approved before the development is commenced to secure a sustainable development providing net environmental gains.

3. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and the Hambleton Local Development Framework Policies CP16 and DP28.

4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Core Strategy and Development Policies CP1 and DP1.
5. 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.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy .
7. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees in accordance with Local Development Framework Policy DP33.
8. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
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 accordance with Policy CP1 and in the interests of highway safety.
12. In accordance with Policy CP1 and in the interests of road safety
13. In accordance with Policy CP1 and DP1 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 CP1 and DP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In accordance with Policy CP1 and DP1 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.
16. 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.
17. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, DP1, CP16, CP17, DP28, DP30 and DP32.

Parish: Husthwaite
Ward: Raskelf & White Horse
7

Committee date: 14 September 2017
Officer dealing: Laura Chambers
Target date: 21 September 2017

17/01331/OUT

Outline planning application, including access, with all other matters reserved for a single residential dwelling

**At Land at Bye Green, Low Street, Husthwaite
For Mr Thomas Carter**

This application is referred to Planning Committee as the proposals are a departure from the development plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a grazing field, part of a small holding to the north of properties on Low Street, at the western extent of the village of Husthwaite. The site is beyond the development limits and conservation area boundary of the village, which closely follow the existing dwellings on Low Street.
- 1.2 Access to the site is taken between existing dwellings from Low Street; it is not proposed to change this arrangement. The application site is located between existing dwellings to the south of the field and the agricultural and commercial buildings to the north, related to the small holding and machine repairs workshop.
- 1.3 Outline approval is sought for a single dwelling, it is proposed to utilise the existing access to the Bye Green site to the east of number 1 West Terrace, Low Street. All other matters including appearance, layout, scale and landscaping are reserved and would be dealt with by a subsequent application should this be approved. Notwithstanding this, the application includes an indicative layout showing a detached dwelling located centrally within the plot at the rear of 1-3 West Terrace, Low Street.
- 1.4 The matters for approval at this stage are access with all other matters, i.e. appearance, landscaping, layout and scale to be considered at a later stage if this application is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01791/CLE – Application for Certificate of Lawfulness in respect of siting of residential caravan, refused.

08/04720/FUL – Private Gypsy site for 1no household, refused.

16/02401/FUL – Retrospective application for change of use of agricultural building to general machine/contractor repair, approved.

17/00229/FUL – Retrospective application for an agricultural extension to an existing building, approved.

17/00180/CAT3 – Alleged breach of working hours condition, ongoing.

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
 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 DP12 – Delivering housing on “brownfield land”
 Development Policies DP13 – Achieving and maintaining the right mix
 Development Policies DP15 – Promoting and maintaining affordable housing
 Development Policies DP30 - Landscape Character
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – wish to see the application refused, the site is beyond development limits and does not respect the existing character of development, if outline approval were to be granted we propose an agricultural occupancy condition.
- 4.2 Highway Authority – no objections
- 4.3 Environmental Health – no objections
- 4.4 Contaminated Land – no objections
- 4.5 Yorkshire Water – no objections subject to conditions
- 4.6 Public comments – following public consultation one objection has been received, as summarised below:
 - Outside development limits,
 - Approval would set a precedent,
 - Proposals would change the linear character of the village,
 - Adjacent site operates outside of permitted hours,
 - Single storey dwelling would be most appropriate if approved.

5.0 OBSERVATIONS

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

Principle of Development

- 5.2 The site falls outside of Development Limits of Husthwaite, 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 settlement hierarchy contained within the IPG, Husthwaite is defined as a service village and the site is immediately adjacent to development limits, as such services would be readily accessible. The site is therefore 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. The proposal for a single dwelling would meet with the requirements within the IPG for development to be small scale. The development would not result in the coalescence of settlements due to its scale and proximity to the existing built form of the village.
- 5.5 Notwithstanding the above, it is also necessary to consider whether the proposed development would reflect the existing built form and character of the village. Husthwaite has a linear character with properties fronting Low Street, High Street and The Nookin with the village green acting as the centre point of the village where these three streets intersect. There are limited exceptions to this development form which are mainly non-residential developments including the primary school to the south of the application site and the agricultural/commercial buildings within the applicant's ownership to the north.
- 5.6 On entering the village on Low Street from the west the road sweeps up in levels with the first impression being of the cemetery to the south side of the road and a strong line of dwellings fronting the road starting with West Terrace indicating the beginning of the settlement. The proposed development would not contribute to or follow this building line, instead it would sit to the rear of the terrace at odds with the established orientation, form and character.
- 5.7 It is apparent on entering the village at this point that there are a range of outbuildings that would be expected in a rural village location and denote the change from the settlement into open countryside, introducing an additional dwelling between these two would be evident from views entering the village and would alter the character of the area. The application suggests landscaping could screen the proposed dwelling from views from the road. However, this in itself would introduce an alien feature that would detract from the existing openness of the site within the rural backdrop.
- 5.8 The applicant has indicated that if the Council are not satisfied that an open market property would be appropriate in this location they would be willing to accept an agricultural occupancy condition restricting the property to one linked to the small holding rather than an independent unit. The introduction of an agricultural workers dwelling would only be considered appropriate where there is an evidenced need for workers to be present on site at all times; there is no justification provided by the

applicant to suggest why it would be necessary to allow a dwelling that would otherwise be unacceptable in support of the small holding.

Highways Safety

- 5.9 It is proposed that an existing private drive from the main road would be utilised to serve the existing small holding and workshop use, as well as the proposed dwelling. Although immediately adjacent to another residential property the level of passing vehicles from a dwelling would be unlikely to materially alter the potential for noise disturbance than is generated by the existing small holding and workshop uses. The size of the site would be sufficient to accommodate a dwelling with an adequate level of car parking should the principle of development be considered acceptable.
- 5.10 The Highway Authority have raised no objections to use of the existing access and have requested no conditions be applied should approval be recommended.

Residential Amenity

- 5.11 The size of the site is sufficiently large that a dwelling could be located on the site while ensuring appropriate separation distances between it and existing dwellings and as such there is no reason to believe an appropriate window arrangement could not be achieved that did not infringe upon the privacy of neighbouring occupiers.
- 5.12 The existing small holding and workshop would have the potential to generate noise that could be detrimental to the amenity of future occupiers of the proposed dwelling. However, Environmental Health have advised they have not received complaints from existing residents that would suggest an existing issue with noise nuisance. On that basis the EHO believes there will be no significant impact on local amenity and therefore raises no objections.
- 5.13 Concerns have been raised regarding the hours of operation of the adjacent small holding and workshop, these are currently under investigation by the Planning Enforcement team but in any event would not be a material consideration in determining the principle of residential development.

Design

- 5.14 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."
- 5.15 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.
- 5.16 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.”

- 5.17 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.
- 5.18 The application does not propose a major form of development and as such formal public consultation prior to application is not a requirement and has not been carried out. The application is nevertheless accompanied by a supporting Design and Access Statement that sets out justification for the proposals.
- 5.19 The Statement describes the character of the surrounding area as an historic village with varying historic styles set within open countryside and takes reference from the Husthwaite Parish Plan with regards to development of the village and its character. The site is a grazing field and as a result there are no physical features identified as warranting retention.
- 5.20 The statement does not include any evidence of other development options being considered, although as this application is in outline only it is the principle of a dwelling in this location that is being assessed rather than specific details of layout, scale or appearance which would be dealt with at reserved matters stage. As outlined earlier in the report, the introduction of buildings in the location proposed is not considered a logical extension to the village that respects the existing built form and as such in general terms the design would not be appropriate.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
 - 1. The location of the proposed development would not respect the character and built form of the village, and would not therefore be a logical extension to the village. The proposed development is not considered to comply with the criteria set out in the Hambleton Interim Policy Guidance note. The proposals are not considered to comply with Policies CP4, DP9, DP10, CP16, DP32, CP17, DP32 and DP33 of the adopted Hambleton Local Development Framework, Development Policies Document.

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Parish: Knayton with Brawith
Ward: Bagby and Thorntons
8

Committee date: 14th September 2017
Officer dealing: Miss Charlotte Cornforth
Target date: 31st August 2017

17/01296/FUL

Proposed side extension and front porch
At 1 Moor Rise, Knayton
For Mr Peter Johnson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Moor Rise is a semi-detached, brick built property located within the settlement of Knayton immediately adjacent to the village conservation area.
- 1.2 As you approach the settlement of Knayton from the A19 and bear right to enter the main part of the village, the dwelling of 1 Moor Rise is prominently located on the corner. It therefore occupies a highly visible position in the street scene due to its corner orientation and the relatively low hedges on the northern and eastern boundaries.
- 1.3 The Conservation Area boundary of Knayton is adjacent to the north and east boundaries of the site and includes the grass verges adjacent to the application site.
- 1.4 The applicant has stated that the dwelling is being brought up to modern standards internally. The application proposes a conservatory which would be used as a space for painting and pottery work.
- 1.5 Members should note that the front porch is permitted development and as such is not considered in the determination of this application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history regarding the site

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

CP1 - Sustainable development
DP1 – Protecting amenity
CP16 – Protecting and enhancing natural and manmade assets
DP28 – Conservation
CP17 – Promoting high quality design
DP32 – General design
SPD- House Extensions
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – no objections

- 4.2 Neighbours and Site Notice – no comments received.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered are: i) the impact of the proposal on the character and appearance of the host building; ii) the impact on the setting of the Knayton Conservation Area and; iii) the impact of the development upon the amenities of the nearby neighbours

Character of Host Building

- 5.2 As you approach the settlement of Knayton from the A19 to the west and bear right to enter the main part of the village, 1 Moor Rise is on the corner, occupying a highly prominent position in the street due to its corner orientation and the relatively low hedges on the northern and eastern boundaries. As such it is crucial that alterations to the eastern elevation accord with the design and form of the host dwelling.
- 5.3 Matters of concern have been raised with the planning agent regarding the form and roof design. No amendments to the original submission have been received.
- 5.4 Policy DP32 (General Design) of the Hambleton Local Development Framework requires that proposals must respect local character and distinctiveness and that development should take every opportunity to create good design that respects and safeguards key views. Similarly, the National Planning Policy Framework recognises the importance of good design and notes that developments should be visually attractive as a result of good architecture.
- 5.5 The proposal seeks an extension to the eastern elevation of the host dwelling. This extension is a conservatory, with a brick plinth wall, glazing to the sides and to the roof. It will have a hipped roof design and will be constructed from Upvc.
- 5.6 As a result of its prominent positioning, the roof form and glazing, it is considered that the proposal does not respect the local character and distinctiveness or the solid traditional design of the host dwelling and as such fails to accord with the requirements of Local Development Framework policy or the Hambleton SPD on House Extensions.

Impact on the setting of the Conservation Area

- 5.7 Whilst the application site itself is not located within the Knayton Conservation Area, the Conservation Area boundary is immediately adjacent to the site to the north and east and includes the grass verges adjacent to the application site. The property, whilst of little architectural merit in itself is a gateway site in the Conservation Area and as mentioned previously is in a very prominent location. It is considered that the proposal needs to be assessed in terms of its setting upon the character and appearance of the Knayton Conservation Area.
- 5.8 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 Knayton Conservation Area.
- 5.9 It is considered that due to its prominent positioning, the roof form and the amount of glazing, the proposal does not preserve or enhance the character or appearance of the setting of the Knayton Conservation Area or the street scene as a whole.

- 5.10 Consequently the scheme would result in a harmful impact on the visual amenity of the locality and the setting of the Conservation Area and fails to comply with Policies CP1, DP1, CP16, CP17, DP28 and DP32.

6.0 RECOMMENDATION

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

It is considered that by virtue of its positioning, roof form and use of materials, the proposed extension (conservatory) to the eastern elevation of the dwelling of 1 Moor Rise would be a prominent and inappropriate feature on the host building and within the street scene and has a harmful impact on the setting of the adjoining Knayton Conservation Area. The proposal is therefore considered to be contrary to policies CP1, DP1, CP16, CP17, DP28 and DP32 and the Hambleton House Extensions SPD.

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17/00006/TPO1

Tree Preservation Order 2017 No.6,
At: Land north of Lime Tree Cottage, Ham Hall Lane, Scruton
For: Mr Richard Dennison

The report is brought to Planning Committee as there has been an objection to the Order.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2017/6.
- 1.2 The trees are located within a paddock at the north western edge of the village of Scruton at the junction of Fleetham Lane and Ham Hall Lane. There are several trees within the paddock including 14 mature lime trees, an oak and a sycamore. These 16 trees have been made the subject of a provisional Tree Preservation Order.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 In March 2017 the Council received an outline planning application for the construction of a dwelling with all matters reserved (17/00527/OUT). An arboricultural survey was submitted with the application. The application included a proposal to remove two of the lime trees and a sycamore. It is considered that the trees make a positive contribution to local visual amenity and as such the Council imposed a Tree Preservation Order to protect the trees, on 26 May 2017.
- 2.2 Planning permission for the dwelling was refused on 2 June 2017 for the following reasons:
1. The site is outside Development Limits and fails to meet any of the exceptional circumstances set out in LDF Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore be contrary to Policies CP1, CP2, and CP4 of the Local Development Framework.
 2. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the character of Scruton and the natural environment on the edge of the village, contrary to the Council's Interim Policy Guidance.
 3. The construction of a dwelling on this site would detract from the visual contribution made by the existing open space and landscape character of the site and as a result would be contrary to LDF Policies CP16 and DP30.
 4. Due to the presence and proximity to the protected trees the proposed development would result in an overbearing and unwelcome environment, to the detriment of future occupiers of the residential property, thereby increasing the pressure to remove significant and important trees. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework Policy DP1 and DP30.

- 2.3 The planning application decision is currently the subject of an appeal to the Planning Inspectorate.
- 2.4 Objections from the landowner have been received regarding the making of the Tree Preservation Order.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 An objection to the imposition of the TPO has been received from the owner of the trees and the comments are summarised as follows:
1. I believe they enhance the landscape, however the majority have low branches, which have to be trimmed to allow light in and stock to graze safely;
 2. The utility companies regularly cut the trees back; I do when asked to do so by neighbours;
 3. It is not fair to impose extra cost and red tape in seeking permission to do these jobs;
 4. Planning permission was refused for the dwelling so the trees remain within my care; why are restrictions now required?
 5. As can be seen by the survey the trees are in good health;
 6. If the 2 lime trees had been removed and the house built extra planting and screening would take place to compensate, which means that when the mature trees come to the end of their life new trees would be fully grown;
 7. If the Council still insists on imposing the TPO, can I ask that as a compromise, they are not imposed on T1, T6 and T7 so that I and utility companies can carry out the work quickly and at no extra cost.

5.0 OBSERVATIONS

- 5.1 The trees form a group of mature specimens within the paddock between the village and the countryside beyond. The trees are prominent at the road junction at the western end of the village, from adjacent agricultural land and from the public rights of way to the west and east. The trees are particularly important as they lie at the entrance to the village when approached from a westerly direction.
- 5.2 The presence of such a large number of mature trees within the paddock area adds a significant amount of visual amenity value and is an important open space on the edge of the village. The trees are considered to be of visual merit and contribute to the character and appearance of the village.
- 5.3 A report has been undertaken by A Whitehead Associates Ltd on behalf of the landowner, which considers that the condition of the trees is satisfactory and this is not disputed by the landowner.
- 5.4 A significant reason for refusing planning permission for the dwelling relates to the presence of the trees. Should the trees not be subject to a TPO the landowner would require no permission to remove them, which if undertaken would significantly detract from the character and appearance of the locality. As the presence of the trees is

included as a reason for the refusal of the planning permission it is deemed that they would be at risk of removal should the Tree Preservation Order not be confirmed.

- 5.5 Any works undertaken to the protected trees by utility companies is exempt from requiring the permission of the Local Planning Authority. Any works proposed to be undertaken by the landowner would require the permission of the Local Planning Authority but there is no fee incurred for the application thereby reducing the burden to the applicant.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a high degree of public benefit. The owner's arboricultural advisor agrees that the trees are generally healthy specimens.
- 6.2 It is therefore recommended that TPO 2017/6 is confirmed.

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Parish: Stokesley
Ward: Stokesley
10

Committee date: 14 September 2017
Officer dealing: Mr K Ayrton
Target date: 15 September 2017

17/00877/FUL

**Construction of 45 retirement living apartments, 8 affordable apartments, provision of communal facilities, car parking, substation, landscaping and associated access
At Land East of White House Farm, Stokesley
For McCarthy & Stone Retirement Lifestyles Ltd**

This application is referred to Planning Committee as the application is for a major development.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the western edge of Stokesley and is approximately 0.72 hectares in extent. It is currently used for grazing. The boundaries accommodate hedgerows and trees, which form a particularly strong feature along the eastern boundary. The town centre of Stokesley is approximately 500 metres to the east and is accessible by footpath along Westlands.
- 1.2 The Riversdene/Riverslea housing estate is located to the east, which accommodates a mix of 1970s two storey dwellings. The estate is accessed via Riverdene road, which extends along the eastern boundary of the site. To the north is the recently approved Taylor Wimpey development (178 dwellings). The dwellings at the front of the site have started to be occupied. As part of the development, a new roundabout has been constructed.
- 1.3 White House Farm is located to the west of the site, where outline planning permission was granted in 2016 to redevelop the site with 25 dwellings. As all matters were reserved, the scale of development has yet to be determined.
- 1.4 The land to the south is open countryside with long distance views to the edge of the North York Moors National Park.
- 1.5 The proposed development would deliver a high-density development, equating to 73.6 dwellings per hectare. This would comprise two main elements. The retirement living apartments accommodated in a mainly 3 storey L-shaped building, which has a shorter frontage onto Westlands and a longer arm extending back to the rear of the site. The supporting planning statement confirms that the accommodation will be limited to persons over 60. The accommodation is not 'supported', with only a site manager offering a small degree of 'supervision'.
- 1.6 The affordable housing is delivered in the form of a two storey block of development located at the north eastern corner of the site.
- 1.7 48 car parking spaces are proposed, located along the eastern edge of the site, either side of the new vehicular access proposed off Riverslea. 12 spaces are allocated to the affordable units and 32 spaces to retirement living apartments. No cycle parking is provided.
- 1.8 During the consideration of the application, feedback was given to the agent, including comments on the proposed design. In response, amended plans were

submitted, making some minor amendments to the design of the affordable housing block.

- 1.9 The tip of the south east corner of the site is located within flood zone 2.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 Relevant planning applications relating to the surrounding area include:

15/01943/REM - Application for Reserved Matters for the construction of 178 dwellings – Approved 25/11/2015

14/00714/OUT - Housing development (Use Class C3) up to 183 dwellings, landscaping, means of access and associated infrastructure works – Approved 02/10/2014

11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sqm including means of access – Appeal Allowed in Part (relating to the employment element) – 29/05/2013

14/02578/OUT - Outline application for the construction of 25 dwellings with all matters reserved excluding access – Approved 25/04/2016

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP34 - Sustainable energy

Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Affordable Housing - Supplementary Planning Document - June 2008
Size, type and tenure of new homes – Supplementary Planning Document – Sept 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Town Council – Make the following comments:

- The design and access statement contains errors, making reference to South Shields. Has the Stokesley proposal been properly evaluated on its own merits?
- Do not accept that the level of parking proposed is adequate.
- The arguments that the site is close to frequent public transport is false.
- Access from the roundabout would be the preferred option. Would the addition of extra traffic using Riverslea require a further roundabout to be constructed on Westlands?
- Some of the services and facilities in the supporting report are a greater distance than suggested.
- We do not consider that the design has taken on board comments from the Town Council. The I-shaped made of 3 floors is inappropriate.
- What impact will the development have on the potential flooding of surrounding land?
- Why can the design not allow for the retention of the tree on Riverslea?

4.2 Highway Authority – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The proposed development is primarily a development for active retired residents along with a block of affordable apartments. The number of parking spaces for this type of development has been questioned at other developments however this development appears to have adequate parking based on observations of other similar developments elsewhere.

The proposed development will connect to the public highway in Riverslea which is connected to Westlands. The design standard for the site is MfS2 and the required visibility splay is 2.4 metres by 43 metres. The available visibility on Riverslea is adequate.

Consequently, the Local Highway Authority recommends that conditions are attached to any permission granted.

- ##### **4.3 Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request a condition seeking this information.**
- ##### **4.4 Archaeology - I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order**

to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 4.5 Environment Agency - In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. Our flood risk standing advice reminds you of this and provides advice on how to do this.
- 4.6 Although we have no objection to the proposed development we recommend that the developer considers including measures to mitigate the impact of more extreme future flood events. Measures could include raising ground/ finished floor levels and/ or incorporating flood proofing measures.
- 4.7 Contaminated Land - No objections, subject to conditions.
- 4.8 Public comments – 11 letters of objection received making the following comments:
- The 3 storey buildings are not in keeping with the surrounding area.
 - There are alternative locations with better access to public transport and local amenities.
 - Concern about noise levels and traffic in Riverslea.
 - Disagree with the idea that retirees do not need a car.
 - The current entry to Stokesley is a beautiful one and the design of the building does not fit the look of the town, in my view, and would be a disappointing first impression to visitors.
 - Negative impact taking away and destroying the scenery of the North Yorkshire moors.
 - Building design seems bland, almost ultra modern, consider the character of the area.
 - The ugly, barrack-room style and height of this proposed development is totally out of keeping with the rural nature of the surrounding country side.

2 letters of support received making the following comments:

- There is a need for retirement living for persons who want to move from nearby villages into Stokesely.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location including the need for the development (ii) affordable housing provision; (iii) the design of the scheme and the impact of the development on the character and appearance of the area; (iv) impact on residential amenity; (v) highway impact; and (vi) flood risk.

Principle of Development

- 5.2 The site is located outside, but adjoins the Development Limits of Stokelsey, which wrap around the north, east and western boundary of the site. Policy DP9 states that development will only be permitted 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 is a departure from the Development Plan.

- 5.3 The submitted application recognises this but presents the argument that there is an exceptional need for the type of development proposed, which should be considered a material planning consideration. In planning use class terms, the development falls within the general use class for housing – C3. This is not disputed by the applicant.
- 5.4 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.5 The Council has published a Strategic Housing Market Assessment (SHMA - January 2016 – updated September 2016), which has been taken into consideration in more recent updates on the Council's five-year housing supply. The most recent (April 2017) assessment confirms 8.5 years supply. The current position was supported in the determination of an appeal for housing at Primrose Hill, Dalton earlier this year, where the inspector determined the Council was able to demonstrate a five year supply of deliverable housing sites, even taking into account the most pessimistic scenario of delivery. (Note: the inspector concluded that the appellant had failed to demonstrate fewer than five years' supply, so she did not need to review the Council's claim of an 8.5 years supply.)
- 5.6 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development". However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits and contrary to the development plan. Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim. It is also considered that having regard to paragraph 215 of the NPPF, the relevant policy (CP4 – Settlement Hierarchy) is considered to be consistent with the NPPF and should therefore be given significant weight. This has not been disputed by the applicant in their submission. However, it is recognised that a balanced view still needs to be taken, in light of the NPPFs presumption in favour of sustainable development.
- 5.7 The supporting 'Planning' and 'Needs' statements state that whilst the use class of development falls within C3, this type of development will meet a specific need (older persons over 60 years) for development that is particularly high in this part of the District.
- 5.8 Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.9 National Planning Practice Guidance advises that in decision taking, evidence that development proposals for accessible and manageable homes specifically for older people, will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes. However, the guidance does not state that this overrides all other policy considerations (e.g. Development Limits). It simply states that it is a factor that 'supports the approval'.
- 5.10 The submitted Needs Statement is extensive. It makes reference to several reports and studies identifying the need for housing accommodation for older people. This need is not disputed by the Council. However, there is limited evidence to

demonstrate that this need is not already being met by the existing Development Plan.

- 5.11 The County Council is currently advising the planning policy team in preparing the new Local Plan and meeting future housing needs, including those of older people. They are advising that there will be a need for extra care housing in the Stokesley area (this includes Great Ayton, Rudby, Swainby, Broughton and Greenhow) for 66 units by 2020. As there are already 40 units provided at Town Close in Stokesley, there is a need for approximately 26 additional units. By 2025 the number rises to 79 (requirement of 39 units), and by 2039 (requirement of 48 units). However, the development plan already allocates a site in Great Ayton (Cleveland Lodge) that will meet this need for extra care housing (at a minimum). There is a current application (15/02856/FUL) at appeal for 80 apartments and a more recent application (17/01180/FUL) for a reduced scheme of 69 units (comprises 57 apartments and 12 bungalows). Whilst consent has yet to be granted, this demonstrates a clear intent to deliver development on the site. Two large housing schemes have also recently been granted planning permission in Stokesley. The site opposite the application site will deliver 178 dwellings and is currently under construction; and the site on Tanton Road will deliver 225 dwellings, with work expected to start in the short term. Both sites will deliver a mix of dwellings, many of which will be capable of accommodating older people.
- 5.12 Whilst it is accepted that the identified need should not necessarily act as a cap to allowing additional housing development, it demonstrates that the 'exceptional' case being presented by the applicant to develop beyond the development limits, cannot be supported. However, it is accepted that the site does have some benefits in that its locational 'sustainability' is comparable with the recent housing permissions granted to the north and west of the site; and it is effectively enclosed on three sides by development, therefore there is scope to develop the site in a manner that would potentially not cause significant harm to the character and appearance of the wider countryside.

Affordable Housing

- 5.13 Policy DP15 requires the provision of 50% affordable housing in the Stokesley sub area. The application proposes 8 affordable apartments comprising a mix of 4, 2-bed and 4, 3-bed units. In addition to this falling short of the 50% requirement, it also comprises Discounted Market Housing (70% of Market Value), as opposed to a mix of social rented and intermediate properties, as is required by the Affordable Housing SPD. The applicant submitted a viability appraisal, setting out their justification for this offer.
- 5.14 The Council has sought the advice of the District Valuer to assess the findings of the viability appraisal. The advice is that the scheme cannot afford the whole of the affordable housing required by policy. However, it is considered that the development is able to deliver 15% on-site affordable in accordance with the specified tenure mix.
- 5.15 This was fed back to the applicant and they made a counter offer of 15% on-site affordable housing comprising 100% social rented properties. Broadacres have advised that they would be happy to take on the affordable units at transfer value and the Council's housing officers have confirmed that the provision would be acceptable.
- 5.16 It should be noted that the applicant has stated that whilst they have made the above offer, they dispute the findings of the District Valuer, and were to withdraw this offer were planning committee not to approve the application. The Council has requested that the applicant sets out the specific areas of dispute so that these can be properly considered, particularly as this could be revisited in the future were the application to

be approved. This information has been received and is being considered by the District Valuer. Further information on this element of the scheme will be reported to Planning Committee.

- 5.17 Considering that the ability to deliver the full affordable housing requirement is an accepted constraint, this adds weight against allowing the scheme beyond the development limits. The applicants supporting documents suggest that it is highly likely that the site will be allocated for residential development in the new local plan. Reference is made to the Preferred Options version of the emerging Local Plan, which identifies the site as a Preferred Option. However, the new Local Plan is still at an early stage and more detailed consideration needs to be given to the deliverability of the site and wider compliance with planning policies (e.g. ability to deliver affordable housing). This will be a factor in ultimately deciding which sites will be allocated. This will be a matter to be considered and debated as part of the new local plan process. The new Local Plan is not considered to bear any weight in the determination of this application at this stage.

Design and the impact on the character and appearance of the area

- 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 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 application has been supported by a Design and Access Statement. The statement describes the site and surrounding area along with the more historic core of the market town, where the density and height of development is higher than compared with that immediately around the application site. A 'site opportunities' plan is included, which identifies the surrounding 2 storey development. It is noted that the plan includes the illustrative layout plan for the approved 25 dwellings scheme to the west of the site, which indicates 2.5 storey dwellings. However, as set out earlier in this report, scale is a reserved matter and has yet to be determined.
- 5.23 The statement goes on to justify the design and includes the following statements:
- The development will respect the scale and character of the immediate area.

- The storey heights sit lower than the ridge line of the adjacent Stokesley Grange development whose combination of two and two & half storey heights are higher due to its high ground level.
 - The facades are articulated employing recesses and projections which naturally articulate the associated roof scape to respect the Stokesley vernacular.
- 5.24 The proposed development is of a high density, with a height that is not in-keeping with the surrounding area. This is not necessarily a reason in itself to refuse the application. However, the design and access statement has not provided any real justification for such a high density of development in this location. Indeed there appears to be a reliance on development in the town centre, which is not viewed in the same context as the application site. It is recognised that there are some elements of design that have been introduced to break down the scale and massing of the building. This includes breaks in the roof line, projecting gables and variety in the palette of materials. The building is also set well back from the site frontage; and the recent construction of the roundabout on Westlands also introduces a more urban feature to the surroundings. However, the overall mass and density of development is still significant and is not reflective of anything within the context of the site.
- 5.25 The height of the affordable housing block is more acceptable and relates better to the residential development to the east. However, its appearance is of a lower quality when compared with that of the retirement living block. Amended plans were received during the consideration of the application, which included the introduction of some additional architectural detailing, including stone parapets and banding. The design is still not considered to be of the highest quality in its own right. However consideration needs to be given to the site's context, which contains a mixture of development of comparable quality.
- 5.26 The affordable housing element emphasises the step up in height to the three storey retirement living when viewed from Westlands.
- 5.27 On balance, it is considered that the amount of development being proposed on the site is too high and more akin to what would more typically be found in a more central, urban location. Considering its context, which is on the edge of the built up area of Stokesley, it is felt that the design, most notably the amount and scale of development, would result in harm to the character and appearance of the site and surrounding area. Considering that the principle of development is in question and an exceptional need for the development has not been adequately demonstrated, this adds significant weight against the development.

Impact on residential amenity

- 5.28 Whilst there is residential development to the north and east of the site and outline permission for the site to the west, it is considered that the separation distances provided will ensure that there will be no adverse impact on neighbouring residential amenity. Whilst the development will undoubtedly have an impact on private views to the south, this is not a material planning consideration.

Highway impact

- 5.29 The local highway authority has considered the proposed development, including the supporting Transport Statement. They have raised no objection having taken the view that satisfactory visibility splays can be provided and sufficient on-site car parking has been provided.

Flood Risk

- 5.30 The south eastern tip of the site is located within flood zone 2. The comments from the Environment Agency have been noted. However, no development is being proposed on this part of the site. Therefore it is not considered that the development would result in an increased risk of flooding.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development would extend residential development outside of the Development Limits of Stokesley. It is considered that no exceptional case for development beyond the Development Limits, as allowed for by Policy CP4, has been made. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would be contrary to Local Development Framework Policy CP4, and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system. Consideration has been given to the NPPF's presumption in favour of sustainable development and it is accepted that the site does have some benefits in that its locational 'sustainability' is comparable with the recent housing permissions granted to the north and west of the site; and it is effectively enclosed on three sides by development. However in the overall planning balance of considerations the proposal would deliver an amount of affordable housing that is below the requirements of policy CP9 and the design is considered to be more akin to what would more typically be found in more central, urban location, which would result in harm to the character and appearance of the site and surrounding area, contrary to Local Development Framework Policies CP16 and DP30, which seek to protect the openness, intrinsic character and quality of the District's landscape; and Policies CP17 and DP32, which require developments to be of the highest quality that take into account local character and settings, and promote local identity and distinctiveness. Both these requirements are consistent with the NPPF.

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Parish: Thirsk
Ward: Thirsk
11

Committee date: 14th September 2017
Officer dealing: Miss Charlotte Cornforth
Target date: 22 September 2017

17/01561/FUL

**Construction of a detached bungalow with associated vehicular access and parking
At Land to the rear of 131 Long Street, Thirsk**

For Mr Mark McColmont

The withdrawn 17/01115/MRC was referred to Planning Committee at the request of Councillor Janet Watson. Therefore, this planning application is referred to Planning Committee.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This application seeks planning permission to construct a detached single storey bungalow on land to the rear of 131 Long Street Thirsk. The bungalow is proposed to have 3 bedrooms.
- 1.2 The bungalow will be accessed via a driveway between the residential dwellings on 131 and 135 Long Street. (Note, there is no 133 Long Street.) This piece of land is currently gravelled and fenced along the northern and western boundaries and is used as accessway and parking for 135 Long Street.
- 1.3 The parking area is proposed to be sited to the eastern side of the new bungalow with the main private garden area to the western side.
- 1.4 The site is located within the Conservation Area and within Flood Zone 1.
- 1.5 The main difference between this planning application and the 15/02851/FUL that was allowed at appeal is that the access to the dwelling has been amended. The previously approved access was under an archway adjacent to 129 and 131 Long Street, with the upper floor of 131 above it. However, this scheme will use the existing accessway that serves 135 Long Street (formerly occupied by a garage on the south side of 135). It will also incorporate 2 car parking spaces for 135 Long Street to the immediate west of this dwelling. The layout and detailed design of the proposed dwelling that is the subject of this planning application is identical to that of the 15/02851/FUL approval.

2.0 RELEVANT PLANNING, ENFORCEMENT AND APPEAL HISTORY

- 2.1 14/02395/FUL - Increase to width of the access way as amended by plan received by Hambleton District Council on 8 January 2015 – Planning permission granted 19th January 2015.
- 2.2 15/01334/FUL - Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30th July 2015 – Planning permission refused 13th October 2015.

The application was dismissed at appeal (Reference APP/G2713/W/16/3141641) 26th May 2016.

- 2.3 15/02851/FUL - Revised application for the construction of a detached bungalow and associated parking as per amended plans received by Hambleton District Council on 24 February 2016 – Planning permission refused 7th April 2016

Members refused this application for the following reasons:

1. The site lies beyond the Development Limits of Thirsk and in a location where development should only be permitted exceptionally. No exceptional circumstances have been found to exist and the proposal is therefore contrary to the Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9.

2. The proposed development is within and straddles the boundary of the Thirsk and Sowerby Conservation Area and construction of a dwelling and the resulting domestic paraphernalia would cause visual harm to the Conservation Area. As a consequence of the back land location of the proposed dwelling the scheme would not respect the historic form of frontage development in this part of Thirsk. The proposal is therefore contrary to the Hambleton Local Development Framework Policies CP16 and DP28 and the provisions of the National Planning Policy Framework.

3. The proposed development is contrary to the Hambleton Local Development Framework Policies CP1 and DP1 due to the harmful impact the use of the vehicular access will have upon the amenities of the neighbouring dwellings.

4. The use of the proposed vehicular access will result in a loss of highway safety due to the lack of appropriate pedestrian safety measures on the site frontage with Long Street where the vehicular access crosses the footway contrary to the Hambleton Local Development Framework Policies CP1, DP3 and DP4. Furthermore the measures proposed would cause harm to the character and appearance of the Thirsk and Sowerby Conservation Area contrary to Hambleton Local Development Framework Policies CP16 and DP28, CP17 and DP32.

This application was allowed at appeal (Reference APP/G2713/W/16/3158519) 21st December 2016. The Inspector concluded the following:

19. Whilst I find some conflict with the development plan, i.e., CS Policy CP4, I consider that the site is in a sustainable location. I find no harm in respect of the character or appearance of the conservation area; living conditions or highway safety. In the absence of demonstrable harm, I allow the appeal subject to conditions.

- 2.4 17/01115/MRC – Application withdrawn - Variation of conditions 2 (approved drawings) and 5 (landscaping) of application 15/02851/FUL (appeal ref APP/G2713/W/16/3158519) - Revised application for construction of a detached bungalow and associated parking.

This application was withdrawn as the proposed alterations included land that was not included in the approved permission 15/01334/FUL / APP/G2713/W/16/3141641, thus altering the red line boundary. As such, the required changes could not be considered under a modification of conditions application. Therefore, this planning application was submitted.

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
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Recommend refusal

Planning permission already exists for a property on this site with access which was found to be adequate at appeal. We support all the objections and concerns of local residents in respect of this application and all previous applications on this site.

Have Highways considered the effect of an extra access on this length of pavement?

If permission is granted, we suggest that conditions should be applied to limit traffic to the new property and to number 135 Long Street only.

4.2 Highway Authority – comments awaited.

4.3 Swale and Ure Drainage Board – advised that a condition is attached to the Decision Notice to advise that no person shall, without the previous consent of the Board shall introduce water in the District.

4.4 Environmental Health – there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections.

4.5 MOD – no safeguarding objections to the proposal.

4.6 Public comments (from both the previously withdrawn application 17/01115/MRC and this application)

All object to the proposal and a summary of their objections include the following:

- The access between 131 & 129 Long Street will also be in use and this will result in 2 vehicle access roads within 5m of each other and the access. Furthermore, the access to 137 Long Street is only 10m away from this you will have 3 vehicle accesses within 20m.
- The dwelling is within 20m of the property of 137 Long Street and could cause a loss of amenity.
- Requests that the height should be restricted to 4.5m to prevent a dormer window being installed at a later date that would infringe on privacy.
- Extra vehicular activity would result in risks to pedestrians using the footpath along Long Street and cyclists
- The view of vehicles (including emergency vehicles) leaving the site is restricted due to the close proximity of buildings either side.
- The removal of a large proportion of the garden of 135 Long Street and the introduction of a dwelling will result in noise and loss of privacy from passing cars and people will have an adverse impact upon amenity.
- Visual intrusion of the proposal upon the Conservation Area and the general character of the area.
- Flooding implications

5.0 OBSERVATIONS

5.1 The main issues to consider are:

- (i) The principle of development
- (ii) Impact upon the character and appearance of the Conservation Area
- (iii) Impact upon the amenity of neighbouring occupiers
- (iv) Impact upon highway safety

The principle of development

5.2 Whilst it is noted that the site is located outside of the Development Limits of Thirsk, the principle of development has been established by the appeal decision. It was considered that due to the site's proximity to the main Town Centre of Thirsk, it was regarded as a sustainable location and complied with local and national planning policy.

Impact upon the character and appearance of the Conservation Area

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 Thirsk Conservation Area.

5.4 The Planning Inspector concluded in the appeal decision letter that the pattern of development surrounding the site is irregular and made up of plots of varying sizes, layout and densities. The proposed dwelling will be constructed from brick and slate, with timber windows and doors. By virtue of its scale, form and the use of materials it is considered that the proposed development would preserve the character and appearance of the Thirsk Conservation Area.

5.5 The design of the proposed bungalow is changed from the previous appeal scheme. The principle of the development, the impact upon the character and appearance of the Conservation Area have already been considered. The permission is extant until 21 December 2019. The appeal decision is therefore a material consideration of significant weight.

Impact upon the amenity of neighbouring occupiers

5.6 In the previously approved scheme (15/02851/FUL) access was through an archway adjacent to 129 and 131 Long Street, with the upper floor of 131 above it. The proposal is to use the existing access way that serves 135 Long Street and not use the archway. It is considered that the number of associated traffic movements resulting from the proposed dwelling will be unchanged from the previous scheme and any impact on users of the path on the frontage will be neutral. The potential impact on the occupiers of 129 and 131 will be removed. The access is not enclosed and reverberation in the archway is no longer an issue. The width of the access between 131 and 135 is also wider than the archway between 129 and 131. It is therefore considered that the potential impact on occupiers of 131 and 135 from the revised access will be less than in the previously approved scheme. Accordingly there is no justification for finding an unacceptable level of harm to the living conditions of the adjoining occupiers.

5.7 The main outlook of the proposed dwelling is to the west, overlooking its own domestic garden area. It is considered that this will not result in any major overlooking of the dwellings along the frontage. It is noted that there are also 3

windows on the eastern elevation that will overlook the garden area of 135 Long Street. However the boundary to this garden is formed by a 1.8m high fence and a hedgerow is also proposed here. The bungalow is sufficient distance away from the neighbours to the north and south sides to not result in any significant overlooking or loss of privacy. The impacts to the neighbours to the north and south are as the previously approved scheme and as noted above the previous decision is a material consideration of significant weight. The proposal is considered to avoid significant harm to the amenity of neighbours and complies with the requirements of the Local Development Framework Policies CP1 and DP1.

Impact upon highway safety

- 5.8 This scheme will use the existing accessway that serves 35 Long Street. It will also incorporate 2 car parking spaces for 35 Long Street to the immediate west of this dwelling. The level of parking provision is sufficient to meet the needs of residents. The appeal scheme required pedestrian protection measure at the junction of the access to the site with the crossing of the footway on Long Street. The crossing of the footway at the appeal site resulted in vehicles crossing the footway as they emerged from the archway. In the revised position greater visibility is available and does not present the same level of hazard and the requirement for protection measures is less.

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 development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan PP01A

Proposed Plans-Elevations – PP03

Proposed Site Plan – PP02 D

Hard and Soft Landscaping Plan – PP04 D

3. No development shall commence until details of the means of enclosure, including walls, fences and gates have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the dwelling is first occupied. The completed scheme shall be maintained thereafter.
4. No construction shall take place until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing PP04 D) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 DP28 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP28 and DP32.
4. 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 DP28 and DP32.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP28 and DP32.

Parish: Thornton le Moor
Ward: Bagby & Thorntons
12

Committee date: 14 September 2017
Officer dealing: Mr K Ayrton
Target date: 18 August 2017

16/01871/FUL

Alterations and extension to public house and construction of 3 dwellings with garages as amended by details received by Hambleton District Council on 15th May 2017

At Black Swan, Main Street, Thornton Le Moor
For Mr C Sayer

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 site is located centrally within the settlement of Thornton Le Moor, which is approximately 5km to the south of Northallerton. It currently accommodates a public house, which is sited in-line with the adjacent residential development, fronting onto the road that passes through the village. A car park is located to the front of the site. The application form confirms that the public house has been closed since July 2014. It has been formally designated as an Asset of Community Value.
- 1.2 There is an access road that passes alongside the western gable of the public house and links to:
- A second car park that serves the public house. Some of the spaces have been used by occupants of neighbouring properties. The supporting planning statement advises that there are four properties that have pedestrian and vehicular rights of way across the rear car park to access their land.
 - Chestnuts Caravan park which is located to the rear of the site.
- 1.3 The surrounding area is predominantly residential, with the built form being characterised by linear development fronting onto the main road. There are examples of development set behind the main frontage. However this character tends to be more secondary or commercial in appearance with only limited examples of residential development extending back from the main built frontage.
- 1.4 The site itself has a back-land feel with unsightly modern extensions to the rear of the public house and rear garden boundary treatments facing onto the large extent of hardstanding that serves as the car park. The caravan park to the rear is distinct from the wider countryside, which is separated with hedgerow and tree planting.
- 1.5 The scheme is for the construction of 3 dwellings in the rear car park and alterations and extension to the public house. As part of the development the amount of car parking would be reduced, with the focus being on the remaining car park to the front, which would be rearranged with the removal of the telegraph pole and phone box. The remaining car park would provide 14 spaces.
- 1.6 The public house at present has 272 sqm of accommodation at ground floor level and a first floor that accommodates 4 en-suite bedrooms (bed and breakfast) and one staff bedroom. The alterations to the public house include the part demolition, extension and reconfiguration of the internal layout in order to make it a more attractive and viable proposition to publicans. The resultant public house will have a

reduced ground floor area of 156 sqm and the first floor will be used as a self-contained flat for the owner/tenants of the public house.

1.7 Improvements have been secured as follows:

- The originally submitted planning application included plans for 3 detached dwellings of a standard design. Officers considered that the detached dwellings proposed did not respond positively to the existing scale and grain of development. Being sited to the rear of the established building line, it was felt that they failed to respond to this context.
- In response the agent submitted plans for the same amount of development (i.e. 3 dwellings) but with amendments to the layout and form. This reduced the height of the dwellings and aimed to introduce a design which re-enforced the architectural character of the area, moving away from the standard dwelling design. The proposed layout plans show 5 'community car parking spaces for the owners of the properties that have access rights over the rear car park along with 2 car parking spaces per dwelling (including the flat above the public house).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 07/00290/FUL - Change of use of first floor staff accommodation of existing public house to bed and breakfast and staff accommodation – Approved 30/03/2007

16/02039/FUL - Site to rear (Chestnuts Park, Thornton Le Moor) - To increase number of pitches on existing caravan site to exceed no more than 26. – Pending Consideration

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP3 – Community Assets
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
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP9 – Development outside Development Limits
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy 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 majority of councillors (apart from 1) were in favour of this application provided the Black Swan is renovated before the houses are completed and marketed and the neighbouring residents will have allocated parking at the rear of their properties.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health: The proposed development includes the construction of 3 residential dwellings in close proximity to the public house. We are concerned that noise, odour and lighting from the activities at the public house may cause nuisance to the occupier of the premises and recommend the following conditions:

- The hours of use of the beer garden are restricted to 11.00am to 10.00pm daily.
- No music shall be played through external speakers in the beer garden.
- Use of bottle bins are restricted to 11.00am to 10.00pm daily.
- Deliveries to public house are restricted to between 7.00am and 8.00pm daily.
- Details of any ventilation and fume extraction systems to be installed, including details of the emissions, methods of treatment to remove odour, particles or droplets and discharge points shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement.
- Details of any external lighting to the rear of the public house site shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing to and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting into the residential premises to the rear of the public house.

In addition to 2m fence proposed to the beer garden shall be of close fitting timber board construction to reduce noise level at the residential premises.

4.4 Contaminated Land Officer: No objections subject to conditions.

4.5 Public comments – 21 letters of objection (including one signed by 9 residents) received making the following comments:

- A solid block of houses would be too overpowering on the cottages.
- Who will be responsible for the upkeep of the road?
- The pub must be brought back into a going concern before the houses are built.
- Concerns that the parking provision will be harmful to highway safety.
- The proposed gardens are too small.
- The owner has obviously bought it as a building site.
- The reduction in the size of the pub will impact the social aspect of village activities.
- Impact on sewers.
- The pub is being altered in a way that would make it easily converted into residential use.
- Concern over the impact from the beer garden.
- No objection to the pub but do object to the dwellings.
- There is no special justification for this development.
- Approval would set a precedent for back-land development. Two storey dwellings are inappropriate.
- The dwellings would impact our maintenance arrangements.
- Potential overlooking from gable window.
- No details of surface water drainage have been submitted.
- The development will put a strain on existing infrastructure.
- Overdevelopment of the site.

14 letters of support received making the following comments:

- I recognise that the development is needed to support the creation of a village pub.
- The revised application provides the best opportunity of ensuring the development of the community asset.
- The layout of the dwellings in the re-submitted plans have a more traditional look with a lower roofline and are more in keeping with this area.
- I note that the community parking spaces are shown on the plans, this should be seen as a benefit to surrounding properties which currently do not have an entitlement to park in that area.
- Regarding this proposed development, I think that this is the best compromise for the village to get its pub back. The pub would seem not to be viable in its previous form with a large, soulless dining area.
- Hopefully, the centrally based pub could (once again) provide an additional important 'hub' for the community.
- A well-managed pub could thrive in a village which has a strong sense of community and will also create employment opportunities.
- My decision to move into the village four years ago was strongly influenced by the presence of a village pub at the centre of the community, I'm certain that I'm not alone on this, particularly as it's the only outlet within the village.
- Building on the mainly empty and barren rear car park and away from the back of the existing 2 semi-detached houses would also improve the area there.

Members should note that the full letters can be viewed on the Council's website.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character and appearance of the surrounding countryside; (iii) the impact on residential amenity; and (iv) highway safety.

Principle of Development

- 5.2 Thornton le Moor is beyond any Development Limits identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances identified in that policy and as such the proposal is 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 new housing in 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 Thornton le Moor is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 South Otterington, which is a Secondary Village, is the largest settlement in close proximity at approximately 1.5km. Newby Wiske (an Other Settlement) is located a little further to the west. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. It is therefore considered that Thornton le Moor can be viewed as an example of a cluster village with South Otterington and Newby Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development is therefore acceptable.
- 5.7 Another key consideration in terms of the principle of development is the impact of the development on the public house, which has been closed since July 2014. The proposal includes the remodelling of the public house, which will effectively reduce the ground floor area of the public house, with a first floor flat. It is not clear, from the supporting statements, what the reasoning behind this is, however it is understood that the works and reduced area would deliver a more attractive (in terms of the market) public house.
- 5.8 The application has been supported by a viability report which states that ‘it would not be viable to bring the pub back into use in isolation in its current form and condition. The report identifies that there is a need for ‘enabling’ development to make the development more viable as a whole. The report includes evidence to indicate that a large number of public houses have been sold over the last 4 years (that) have been refurbished and subsequently leased. Much of the site (the large rear car park) is not considered necessary to the beneficial running of the public house and as such is not contributing to the value of the site.
- 5.9 It is considered that sufficient evidence has been provided to demonstrate that the proposed development would improve the prospects of the public house being reopened, but would not guarantee it. However, it would be unrealistic of a planning application to be able to deliver this. The purpose of the application is to make the public house offer, more attractive to a potential purchaser.
- 5.10 The applicant has also confirmed that they would be happy to accept a planning condition requiring the works to the public house to be undertaken prior to the commencement of works to the proposed dwellings. This would avoid the need for a legal agreement. It is considered to be unreasonable to require the public house to

be re-opened prior to the commencement of works to the dwellings, in particular, due to the support offered to the development of the site under the Interim Policy Guidance.

- 5.11 In support of the proposal, it is recognised that there is policy support for the retention and creation of community facilities such as public houses. This is recognition of the benefits they can deliver to rural settlements. Policy CP4 permits development beyond the development limits where it would support the social and economic regeneration of rural areas. Policy DP5 – Community Facilities, expands on this by stating that support will be given to the provisions and enhancement of community facilities, and to their retention, where these constitute important contributions to the quality of local community life and maintenance of sustainable communities.
- 5.12 This local policy is reflected in Section 3 of the NPPF, which states that planning policies should support sustainable rural tourism and leisure development that benefits businesses in rural areas, communities and visitors, and which respect the character of the countryside; and perhaps more importantly, promote the retention and development of local services and community facilities in villages, such as local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 5.13 The supporting planning statement sets out how the pub house has been marketed by two different estate agents. The first was Hilton Smyth, with no interest shown. The pub was then marketed by James A Baker, a national pub specialist. This resulted in only 4 viewings with no follow up. It is suggested that alongside the decline in the pub industry, a reason for the lack of interest was due to the level of investment required to bring the property back to a modern standard. As a result of the marketing the property was purchased by the current applicant. They originally explored converting the public house to residential. However, due to what they saw as a high local demand to retain the public house, they explored alternative options, resulting in the current proposal.
- 5.14 In the balance of considerations, some weight is given to the increased likelihood that the public house will be brought back into beneficial use for the community, although as stated previously it is not possible to guarantee that this will happen.

Character and Appearance

- 5.15 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a net increase of three dwellings is proposed, which is considered to be an acceptable scale, particularly when considering that the site is located at the centre of the settlement. The question of the cumulative growth of the village also requires consideration. There have been other residential developments approved in Thornton le Moor since the adoption of the Interim Planning Guidance. However these have related to the western edge of the village and are not viewed in the same context as the application site. Therefore the cumulative housing growth is not considered to be harmful.
- 5.16 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 environment and physical built form. This is consistent with other policies in the Local Plan.
- 5.17 As set out in the introduction, there was concern with the original plans, as they did not respond positively to the built form of the area. The amended plans are considered to be a significant improvement. Most notably the design has been amended to better reflect the back-land character of the site; with a reduction in ridge

height and alternative approach to the design, making use the roof-space, which helps reduce the mass of the development.

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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 Improvements have been sought to the design, as set out earlier in this report. The result is a simple, but traditional design that responds to back-land setting. In addition to the low eaves and ridge height, architectural detailing such as brick relieving arches, dentilation and barn/workshop openings have been incorporated. This design approach softens the potential conflict with the predominantly linear nature of development in the area. Having also taken into consideration the existing use of the site as a car park, with a caravan park to the rear, the overall design is considered to be acceptable. The surrounding land uses also minimises any impact on the wider countryside to the south of the site.
- 5.21 The proposed works to the public house will result in an overall improvement to the appearance of the site and the public house itself.
- 5.22 Having established that the proposed development will increase the likelihood that the public house will be brought back into beneficial use for the community, it is concluded that whilst the position of the site is not ideal in terms of its relationship to the built form, it is considered that the combination of the wider benefits of the scheme, the improved design that responds more positively to its immediate context, and its existing relationship with the wider countryside, the proposal would not result in a level of harm to the surrounding natural and built environment that would warrant a recommendation of refusal.

Residential Amenity

- 5.23 Several letters of objection have been received in respect the impact of the development on residential amenity. This is in respect of both the alterations to the public house; and the new build residential development.
- 5.24 The alterations to the public house are not introducing a new use to the area, but the proposed intention is to bring it back into use. The plans identify a beer garden and smoking area to the side and rear, enclosed by a fence. Environmental health have commented on the application and have advised that there is some potential for a nuisance to be caused and have therefore proposed conditions on the use of the outdoor areas, the playing of music, delivery times and use of bottle bins, extract facilitates and outdoor lighting. In addition they have advised that the boundary fencing around the beer garden should be close boarded timer to help reduce noise levels.
- 5.25 The first floor extension to the public house is sited away from the boundary with the neighbouring property in order to accord with the 45 degree rule daylighting requirement in relation to the neighbouring residential property.

- 5.26 The proposed new dwellings have been sited approximately 23-26 metres away from the rear of the main elevations of the adjoining public house, although there are out-buildings and extensions that are sited closer, which tend to include garages. The amended design has reduced the scale of development, with 1 ½ storey elements been sited closest to the neighbouring properties and the 2 storey element being sited directly behind the public house. It is therefore considered that the proposed development would not unacceptably impact upon the amenity of neighbours and as such accords with Policy DP1.

Highway Safety

- 5.27 The proposal will result in a reduction in the total on-site car parking spaces. The agent has highlighted the proposed removal of the restaurant and bed and breakfast elements from the public house, which they considered to be the main traffic generators.
- 5.28 The houses will be accessed via the existing access to the side of the public house, which also serves the caravan park beyond. Significant concerns have been raised by neighbours over the impact on their existing access arrangements. However, it is accepted that there is a degree of overlap between private ownership rights and planning considerations. In this instance the proposed layout provides sufficient on-site car parking and manoeuvring space for the proposed development. The specific matters relating to legal access issues are not considered to be material to the consideration of the application.
- 5.29 The local highway authority has given consideration to the application and raised no objection, subject to conditions.

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 129:15/02 Rev D, 129:15/03 Rev A received by Hambleton District Council on 15 May 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 work shall commence on the approved dwellings until all the proposed works to the public house shown on plan ref: 129:15/02 Rev D have been completed as detailed in the schedule of condition report dated 11 October 2015 prepared by Barrington Wearmoth Commercial Chartered Surveyors and quotation of work dated 5 November 2015 provided by Shaun Lincoln Builders, both received by Hambleton District Council on 18 August 2016.

5. 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.
6. 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 5 above.
7. The hours of use of the beer garden are restricted to 11.00am to 10.00pm daily.
8. No music shall be played through external speakers in the beer garden.
9. Use of bottle bins are restricted to 11.00am to 10.00pm daily.
10. Deliveries to public house are restricted to between 7.00am and 8.00pm daily.
11. Details of any ventilation and fume extraction systems to be installed, including details of the emissions, methods of treatment to remove odour, particles or droplets and discharge points shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation.
12. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
13. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
14. Soils shall not be imported or re-used on the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use on the site. Before importation or re-use commences a soil sampling and analysis scheme, specifying the location, number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.
15. 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 129:15/02 Rev.D). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall

not be converted into domestic accommodation without the granting of an appropriate planning permission.

17. 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.
18. Details of any external lighting to the rear of the public house site shall be submitted to, and approved in writing by the Local Planning Authority prior to their installation and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting into the residential premises to the rear of the public house.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
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 the works to the public house are completed and the potential community benefits secured before development on the houses commence.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In order to protect the amenities of residential property in the locality in accordance with policy DP1.
8. In order to protect the amenities of residential property in the locality in accordance with policy DP1.
9. In order to protect the amenities of residential property in the locality in accordance with policy DP1.
10. In order to protect the amenities of residential property in the locality in accordance with policy DP1.
11. In order to protect the amenities of residential property in the locality in accordance with policy DP1.

12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
13. 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.
14. 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.
15. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
16. To ensure the retention of adequate and satisfactory provision of offstreet accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
18. In order to protect the amenities of residential property in the locality in accordance with policy DP1.

Informative

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

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

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

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

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

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Parish: Thrintoft
Ward: Morton on Swale
13

Committee date: 14 September 2017
Officer dealing: Mrs H Laws
Target date: 29 August 2017

17/01347/FUL

Construction of a dwelling with detached garage and associated external works as amended by plan and email received by Hambleton District Council on 26 July 2017
At The Byres, Thrintoft Moor Lane, Thrintoft
For Mr Andrew Hutchinson

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 site lies at the north eastern edge of Thrintoft on the northern side of the village street. The site is agricultural in nature with fencing, hedging and a timber gate fronting onto the road.
- 1.2 The site was previously occupied by an agricultural building, which was the subject of a prior notification for a permitted development change of use to a dwelling. Approval was granted in 2015. However, the building was not converted but demolished and a replacement building begun. Permitted development rights for conversion therefore no longer applied and planning permission was required.
- 1.3 A planning application was submitted for the construction of a two bedroomed dwelling on the footprint of the previous building and in a similar style and Members considered the proposal at the Planning Committee in May of this year. Planning permission was granted.
- 1.4 The current application proposes to remove the building work that has so far been undertaken and construct a new detached dwelling on a different footprint within the same application site area. The dwelling would be two storey with four bedrooms with a detached single garage served from the existing access. The dwelling and garage would be finished in brickwork and pantiles with upvc windows and an oak framed porch on the front elevation and an oak framed single storey section to the rear with glazed infill panels.
- 1.5 The scheme has been amended to include a foul drainage connection to the mains sewer following discussion with Yorkshire Water.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02539/MBN - Prior notification of change of use of agricultural building to dwellinghouse and for associated operational development; Prior approval not required - determined 9 February 2015.
- 2.2 16/00357/CAT3 – Enforcement investigation into rebuilding. Case closed 31 May 2017.
- 2.3 17/00544/FUL - Retrospective application for the demolition of farm building and construction of a dwelling. Permission granted 30 May 2017.

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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 2/8/2017).
- 4.2 Highway Authority – no objections subject to conditions.
- 4.3 Environment Agency - we do not wish to make detailed comments in this instance
- 4.4 Swale & Ure Internal Drainage Board - if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 4.5 MOD – no safeguarding objections
- 4.6 HDC Environmental Health Officer – no objection.
- 4.7 Public comments - none received (expiry date for representations 11/9/2017)

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the design of the proposal and the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

Principle

- 5.2 The site is outside Development Limits as Thrintoft does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in locations such as this "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is 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 bridges 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 reproduced within the IPG, Thrintoft is defined as an Other Settlement.
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as part of a cluster of villages with Ainderby Steeple and Morton on Swale. These three villages have long been linked economically and socially, which continues to the present day. Collectively the three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. However, it is clear that Morton on Swale accommodates the majority of the services and facilities. This is recognised in its status as a Service Village. On that basis, the IPG indicates that Thrintoft is a sustainable location for appropriate small-scale development and criterion 1 would be satisfied. Accordingly, there is support for the principle of a dwelling in this location.

Design, character and landscape

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a single dwelling is proposed to replace an extant permission for a single dwelling and would not therefore be inappropriate.
- 5.8 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development, particularly to the west, and the construction of a dwelling on the frontage of the site would reflect the established character.
- 5.9 The pattern of development in this part of the village is fragmented and the existing building is the last on the northern side of the road until a terrace of four houses

approximately 150m to the north east. A farm lies opposite. The setting of the site is therefore rural in character but it appears as part of the built form of the village rather than as part of the open countryside. Notwithstanding this, the creation of a new residential curtilage twice the size of the previous proposal has the potential to dilute the rural character of the setting, so landscaping, means of enclosure and the construction of outbuildings should be carefully controlled if permission is granted and conditions are recommended to this effect.

- 5.10 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."
- 5.11 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.
- 5.12 The NPPF 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.
- 5.13 The supporting statement submitted with the planning application explains that the dwelling has been designed to reflect the local farmhouse vernacular. This differs from the previous approval on this site, where the dwelling would have retained the agricultural character of the building, therefore having a neutral effect on the form and character of the village. It is suggested that as the proposed scheme is for a dwelling with a traditional appearance using mostly traditional building materials, the proposed development would have a positive impact on the character of the village. It is considered that the resultant dwelling is of a simple form and design and would not detract from the character and appearance of the village or the surrounding landscape.

Residential amenity

- 5.14 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The closest property lies to the south west, with approximately 22m between elevations. This is an adequate separation distance between the existing and proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is therefore in accordance with LDF Policy DP1.

Highway Safety

- 5.15 The Highway Authority has no objections to the proposed development 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. Prior to the occupation of the development a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall be implemented prior to the end of the first planting and seeding seasons following the approval of the landscaping scheme. 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. Prior to the construction of any boundary fence, full details of the fence including, height, form and materials shall be provided in writing to and approved by the Local Planning Authority. The boundary fence shall then be completed in accordance with the approved details, unless otherwise agreed in writing.
6. 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.
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 until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved by being reconstructed in accordance with the approved Drawings and Standard Detail Number E1 Var (Construction Depths Only). 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.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas a) have been constructed in accordance with the submitted drawing Reference Number 7075 / F 103 Revision B. b) have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only). 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.
9. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
10. 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.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no further construction activities on 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.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 7075/F103A received on 16 June and 26 July 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 that the landscaping scheme is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.
5. In order that the boundary fencing is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
7. 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.
8. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. 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.

10. 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.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. 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.

Informative

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

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

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

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

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

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Parish: Thrintoft
Ward: Morton on Swale
14

Committee date: 14 September 2017
Officer dealing: Mrs H Laws
Target date: 22 September 2017

17/01539/FUL

Construction of a detached dwelling

At: Glencoe, Thrintoft

For: Mr P Dixon

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 site lies at the south eastern end of the village and is accessed from an existing access and driveway at the southern end of the plot. The north end of the site is occupied by a single storey bungalow. The site is located in a slightly elevated position and there are varying ground levels within the site. It is surrounded by extensive landscaping and the existing vehicular access has poor visibility, particularly to the north.
- 1.2 Planning permission was granted in December 2013 to replace the bungalow with a two storey dwelling and a detached garage and to alter the existing vehicular access. The approved dwelling has a height of 1.7m above the level of the existing dwelling and comprises both two storey and single storey elements.
- 1.3 Permission has been given to close the existing access and create a new access midway along the north eastern boundary. The access has now been installed although the bungalow has not yet been replaced.
- 1.4 It is proposed to construct a second dwelling within the curtilage, at the southern end of the site served by the new access, which would then be shared with the existing bungalow or the approved replacement dwelling.
- 1.5 The proposed dwelling is an L-shaped, two storey property with an integral single garage. The dwelling would have four bedrooms at first floor, with accommodation provided within the roofspace and served by dormer and gable windows and rooflights.
- 1.6 The dwelling would be finished in reclaimed bricks and interlocking pantiles with timber framed windows and doors.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/01395/FUL - Demolition of existing bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access (as amended). Application withdrawn 27/8/2013.
- 2.2 13/02125/FUL - Revised application for demolition of existing bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access. Permission granted 6/12/2013.
- 2.3 16/01863/MRC - Proposed variation of condition 10 of previously approved application ref: 13/02125/FUL (Revised application for demolition of existing

bungalow and construction of a replacement dwelling, detached domestic garage and new vehicular access) - to move vehicle access and re-position house back 3m. Permission granted 31/10/2016.

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 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 – we trust that professional planning officers will ensure that whatever is approved by Elected Members will be within keeping of the style and appropriate size of building for our village. Comments have been made by some residents questioning how the plans would meet our concern that they would be within keeping of the style and appropriate size of building for our village.
- 4.2 Highway Authority – no objections subject to conditions.
- 4.3 Swale & Ure Internal Drainage Board - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 4.4 HDC Environmental Health Services (Contaminated Land) – No objections
- 4.4 Public comments – no comments received (expiry date for representations 11/9/2017)

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of a new dwelling in this location outside Development Limits; (ii) the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) an assessment of the design of the proposal; (iv) neighbour amenity; and (v) highway safety.

The principle of development

- 5.2 The site is outside Development Limits as Thrintoft does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in locations such as this "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is 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 bridges 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 reproduced within the IPG, Thrintoft is defined as an Other Settlement.
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as part of a cluster of villages with Ainderby Steeple and Morton on Swale. These three villages have long been linked economically and socially, which continues to the present day. Collectively the three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. However, it is clear that Morton on Swale accommodates the majority of the services and facilities. This is recognised in its status as a Service Village. On that basis, the IPG indicates that Thrintoft is a sustainable location for appropriate small-scale development and criterion 1 would be satisfied. Accordingly, there is support for the principle of a dwelling in this location.

Impact on character of village and rural landscape

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In

this instance a single dwelling is proposed, which must be considered cumulatively with the planning permissions recently granted for four dwellings at Thrintoft Grange (16/01391/FUL); a dwelling on land adjacent to West House (16/02590/REM); a dwelling at Oxmoor Barn in June 2016 (17/00396/REM); and a dwelling on land to the west of Ivy House Farm (17/00544/FUL), which is the subject of another item on this agenda. The approval of this application would result in a total of 8 additional dwellings within the village. Thrintoft is characterised by development along a number of spurs and the approved dwellings are generally positioned throughout the different spurs. None of the existing permissions relate to the part of the village, which is the subject of the current planning application and one additional dwelling would not adversely affect its character or result in an over-development of the village.

- 5.8 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development, particularly to the west, and the construction of a dwelling on the site is considered to reflect the established character.
- 5.9 A tree report confirms that some works are required to the blue cedar that lies on the southern boundary and a condition is recommended to ensure this work is undertaken prior to the commencement of development.

Design

- 5.10 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."
- 5.11 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.
- 5.12 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.
- 5.13 The Design & Access Statement explains that the dwelling has been designed to suit the local vernacular of the village. The proposal is a cottage style of property with low eaves height and eyebrow dormers that respect the scale and proportions of the dwelling. High quality materials are proposed, which should ensure the development contributes to the appearance of the site at the southerly edge of the village.

Residential amenity

- 5.14 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and pollution (including light pollution). In this case the only neighbour would be the existing bungalow at Glencoe. Planning permission has been granted for the replacement of the bungalow with a two storey property. If either the existing bungalow or the two storey dwelling neighbour the proposed dwelling, 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 the development would be in accordance with Policy DP1.

Highway safety

- 5.15 The Highway Authority has no objections regarding the proposed additional dwelling to be served from the new access.

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 existing boundary hedges along the south, east and west boundaries of the site shall be uprooted or removed and the hedges shall not be reduced below a height of 1.8 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
 5. The works to the blue cedar tree detailed within the Tree Report received by Hambleton District Council on 17 August 2017 shall be undertaken prior to the commencement of the development hereby approved.
 6. The development hereby approved shall not be undertaken other than in accordance with Drawing number SCH905 5.A that shows the finished floor level of the development at 39.00, other than with the prior approval in writing by the Local Planning Authority.
 7. No part of the development shall be brought into use until the existing access on to the C159 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.
 8. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Site Plan Drawing Number 2 revision A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 9. 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 wheelwashing 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.

10. 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.
11. The permission hereby granted shall not be undertaken other than incomplete accordance with the location plan and drawings numbered SCH905 2.A; 3.A; 4.A; and 5.A received by Hambleton District Council on 11 July and 11 August 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. The existing hedges are considered to make a worthwhile contribution to the character of the area and are worthy of retention in accordance with LDF Policies CP16 and DP30.
5. The blue cedar tree is considered to make a worthwhile contribution to the character of the area and remedial works are recommended in accordance with LDF Policies CP16 and DP30.
6. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. In the interests of highway safety and in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

11. 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

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

1 x 240 litre black wheeled bin for general waste

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

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

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

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

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

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Parish: Whorlton
Ward: Osmotherley & Swainby
15

Committee date: 14 September 2017
Officer dealing: Mr K Ayrton

Target date: 15 September 2017

17/01341/FUL

Proposed pig finishing house
At Wellington Farm, Ingleby Arncliffe
For Mr Andrew Dickins

This application is referred to Planning Committee as the applicant is related to a Councillor

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is part of a farm with ranges of buildings, traditional and modern, in close proximity to the A19. It has an access off the A19, which also goes onto a length of the old road serving properties south of the farm including Wellington Cottage, Glebe House (also known as Glebe Cottage), Trenholme Lodge, and the side entrance of a petrol/service station to which the main access is from the A19.
- 1.2 The roadside boundary extending northwards from the farm entrance along the A19 is a mix of post and rail fencing and hedgerow.
- 1.3 There is a kennel and cattery business operating from the farm.
- 1.4 A pig finishing building was recently constructed on land to the north of the main cluster of farm buildings, having received planning permission in November 2014.
- 1.5 The proposal the subject of this current application is to site an additional pig finishing building adjacent to the existing unit. The size and appearance is similar to existing:
 - Length: 47 metres
 - Width: 15.8 metres
 - Height to ridge: 4.5 metres.
 - Materials: Grey fibre-cement roofing sheets and green plastic coated sheets for the walls.
- 1.6 The building will be used to accommodate livestock, specifically pig finishing (i.e. produce pigs at their upper weight, which takes approximately three extra weeks of growth).
- 1.7 The building will have two silos accommodated at the end of the building. These will be galvanised steel and are approximately 11.3 meters in height.
- 1.8 Access to the facility will be via the existing farm entrance.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01788/FUL - Proposed pig finishing house as amended by plans received by Hambleton District Council on 22nd October 2014 – Approved 27/11/2015

12/01649/FUL - Extension to existing agricultural storage building to form agricultural store and housing of livestock – Approved 26/10/2012

11/00479/FUL - Construction of an agricultural storage building – Approved 03/05/2011

10/02253/FUL - Construction of an agricultural storage building – Approved 29/11/2010

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 – Settlement Hierarchy
Core Strategy Policy CP15 – Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 – Site accessibility
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
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No comment received
- 4.2 Highway Authority (Highways England) – Offer no objection
- 4.3 Swale and Ure Drainage Board - The above application lies Outside the IDB area but may lead to increased flow into Trenholme stell.
- 4.4 Environmental Health- No objections.
- 4.5 Public comments – None received

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of the proposed development; (ii) the impact on the character and appearance of the area; (iii) the amenities of nearby residential occupiers; and (iv) highway safety.

Principle

- 5.2 The main purpose of the application is to allow the applicant to expand their existing farming enterprise. There are strong levels of support for agricultural development and the rural economy at both national and local levels of planning policy.
- 5.3 One of the core principles of the NPPF is to proactively drive and support sustainable economic development. Section 1 goes on to confirm that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

- 5.4 Section 3 (Supporting a prosperous rural economy) of the NPPF adds that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses.
- 5.5 This support for the rural economy and agricultural development is replicated at local level through Development Policy DP26 (Agricultural Issues).
- 5.6 Policy DP26 states that agriculture will be supported by measures that include: farm diversification; promotion of sustainable forms of agriculture; support for integration of agricultural activities; and guiding developments of new agricultural buildings to locations which are sensitive to their environment.
- 5.7 The proposal is to enable the expansion of the existing farming business. It is therefore considered that the proposed use is acceptable in principle.

Character and Appearance

- 5.8 The proposed building matches the existing one, which was recently constructed in terms of design and finishes. The building is visible from the A19, with the length of the building seen from the southern carriageway. The green walls help to soften its impact.
- 5.9 The proposed building will have a similar impact, particularly in respect of the main viewpoint from the southern carriageway of the A19. It is not considered to be harmful to the character and appearance of the area.

Residential Amenity

- 5.10 The use of the building is the same as the adjoining one. Environmental Health has noted that the existing building has not been the subject of historical complaints. Therefore they are of the view that the proposed development will not cause a negative impact on residential amenity.

Highways

- 5.11 With regard to highway safety, the building would be serviced by the established access which also serves the existing farm and kennel and cattery business and after taking into account the likely traffic movements, the Highway Agency does not object.

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 Site Location Plan and 6362-2 received by Hambleton District Council on 16 June 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. The materials to be used in the construction of the external surfaces of the development shall be as specified on the submitted planning application form

received by Hambleton District Council on 16 June 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
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.