

**AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 1 November 2017

Dear Councillor

**NOTICE OF MEETING**

Meeting **PLANNING COMMITTEE**

Date **Thursday, 9 November 2017**

Time **10.00 am – Morning session**  
**1.30pm – Afternoon session**

Venue **The Hambleton Suite, Solberge Hall Hotel, Northallerton – Morning session**  
**Council Chamber, Civic Centre, Northallerton – Afternoon session**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

**To:** Councillors  
P Bardon (Chairman)  
J Noone (Vice-Chairman)  
M A Barningham  
D M Blades  
S P Dickins  
Mrs B S Fortune

Councillors  
K G Hardisty  
C Patmore  
B Phillips  
C Rooke  
A Wake  
D A Webster

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING**

## **AGENDA**

### **Page No**

1. MINUTES

1 - 6

To confirm the minutes of the meeting held on 12 October 2017 (P.13 - P.14), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

7 - 130

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 10.00 am on Thursday, 12th October, 2017 at Council Chamber, Civic Centre, Stone Cross, Northallerton

---

## Present

Councillor P Bardon (in the Chair)

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

## Also in Attendance

Councillor	R Kirk (afternoon session)	Councillor	Mrs J Watson (afternoon session)
------------	-------------------------------	------------	-------------------------------------

An apology for absence was received from Councillor S P Dickins (for the morning session)

### P.13 **MINUTES**

#### **THE DECISION:**

That the minutes of the meeting of the Committee held on 14 September 2017 (P.11 - P.12), previously circulated, be signed as a correct record.

### P.14 **PLANNING APPLICATIONS**

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

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

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

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

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

**THE DECISION:**

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

- (1) 17/01574/FUL - Installation of a piece of public art at Bedale Golf Club, Bedale for Hambleton District Council

PERMISSION GRANTED

- (2) 16/01142/OUT - Outline planning application for up to 28 dwellings and means of vehicular access with all other matters reserved at Land to the east of Boroughbridge Road, Brafferton for Brafferton Manor Farmers

PERMISSION REFUSED

(The applicant's agent, Chris Atkinson, spoke in support of the application).

- (3) 17/00611/FUL - 3 detached dwellings and new access to Plots 2 & 3 at Land to the east of 15 Lead Lane, Brompton for Mr and Mrs A Maynard

PERMISSION GRANTED

- (4) 17/01328/FUL - 12 dwellings, garages and associated infrastructure at Land to the north of Raskelf Road, Easingwold for Daniel Gath Homes

PERMISSION REFUSED

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

- (5) 17/01260/OUT - Construction of a detached dwelling with associated garage and access at 1 Oulston Road, Easingwold for Mr Andrew Tooze

PERMISSION REFUSED because of overdevelopment of the site leading to harm to the character of the area.

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

(The applicant, Andrew Tooze, spoke in support of the application.)

- (6) 17/01466/FUL - First floor and two storey side extension to dwelling at 12 Apple Garth, Easingwold for Mr and Mrs Kay

PERMISSION REFUSED

(Paul Radford spoke objecting to the application.)

Note: The meeting was adjourned at 11.10am and reconvened at 1.30pm

Councillor S P Dickins arrived at the meeting and was in attendance for the duration of the afternoon session.

- (7) 17/01180/FUL - Extra care housing comprising 57 apartments with communal lounge, dining, kitchen, laundry, offices, garden and car parking area, 12 detached bungalows with single garages and private drives, new access road and new surface water drain and attenuation pond at Cleveland Lodge, Great Ayton for Tolent Construction Ltd, Housing and Care 21 and Bennet Ltd

PERMISSION GRANTED subject to an additional clause within the S106 Agreement limiting occupancy of the bungalows to households with at least one member aged 55 or over.

(The applicant's agent, Nigel Peacock, spoke in support of the application).

(Tamsin Little spoke objecting to the application.)

- (8) 17/01351/OUT - Outline application with all matters reserved for five dwellings at OS Field 2719, Stokesley Road, Hutton Rudby for Mr D Bainbridge

PERMISSION REFUSED because the scheme is not an efficient use of land and would extend the form of the village unnecessarily and bring housing into close proximity of a chicken farm with consequential concerns about amenity.

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

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

#### Disclosure of Interest

Councillor S P Dickins disclosed a non-pecuniary personal interest and left the meeting prior to discussion and voting on this item.

- (9) 17/01247/OUT - Outline application for 5 dwellings and associated infrastructure all matters except access are reserved at Three Tuns Garage, Brentwood House, Sandhutton for Johnson Properties Thirsk

PERMISSION GRANTED

- (10) 17/01350/FUL - Construction of a replacement dwelling at Debeviane, Hilton Road, Seamer for Mr and Mrs Evershed

PERMISSION GRANTED

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

(Derrick Winterbottom spoke objecting to the application.)

Disclosure of Interest

Following a comment from the applicant's agent to the effect that they had listened to Councillor Blades' suggestion (made during consideration of the previous application for planning permission) that the site would benefit from the construction of a new dwelling, Councillor Blades declared that he would take no part in the decision in order to avoid any suggestion on his part of pre-determination or bias.

- (11) 17/00696/FUL - Construction of a detached dwelling at Cedar Garth, Meadow Lane, Snape for Mr and Mrs Simms

PERMISSION GRANTED

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

- (12) 17/01440/TCC - Application for prior notification for the installation of 17.5m high mast, 3 antenna, 2 transmission link dishes, 2 equipment cabinets, 1 electricity meter cabinet and ancillary development for Cornerstone Telecommunication Infrastructure Limited at Land at Prices Paving and Tile Ltd., Meadow Lane, Snape

WITHDRAWN

The meeting was adjourned at 3.25pm and reconvened at 3.35pm.

- (13) 16/00950/FUL - Residential development of 25 bungalows and associated works following demolition of warehouse buildings, access from Victoria Avenue at Former Buffer Depot, Sowerby for Blue Oak Homes (Yorkshire) Ltd

PERMISSION REFUSED

(The applicant's agent, Anne Hargreaves, spoke in support of the application).

(Rachel Garlick spoke objecting to the application.)

- (14) 16/01138/S106 - Variation of Section 106 Agreement associated with application 14/02578/OUT – affordable housing requirements at White House Farm, Stokesley for Cecil M Yuill and Gentoo Homes

REFUSED because the Committee was not satisfied with the evidence supplied to justify the reduced offer of affordable housing.

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

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

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

- (15) 17/00578/FUL - Revised application for alterations to existing chapel to form 3 apartments at Topcliffe Methodist Church, Church Street, Topcliffe for The Methodist Church, Thirsk and Northallerton Circuit

PERMISSION GRANTED subject to the making of a satisfactory Traffic Regulation Order.

- (16) 17/00579/LBC - Listed Building Consent for alterations to existing chapel to form 3 apartments at Topcliffe Methodist Church, Church Street, Topcliffe for The Methodist Church, Thirsk and Northallerton Circuit

PERMISSION GRANTED

- (17) 17/01552/OUT - Outline planning application with all matters other than access reserved for 2 detached dwellings of single storey scale with rooms in the roof at Land adjacent to Northfield, Bedale Road, Well for Messrs Bradley and Robert Elsworth

PERMISSION GRANTED

(The applicant, Robert Elsworth, spoke in support of the application.)

- (18) 17/01276/FUL - Construction of a single dwelling at Land Adjacent to Cumbrae, Flask Lane, Nosterfield for Mr E Sherwin

PERMISSION GRANTED

The meeting closed at 4.50 pm

---

Chairman of the Committee

This page is intentionally left blank

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee on Thursday 9 November 2017.**

**The morning session of the meeting will commence at 9.30am at Solberge Hall, Newby Wiske, Northallerton, DL7 9ER. The afternoon session of the meeting will commence at 1.30pm at the Civic Centre, Northallerton DL6 2UU.**

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. Documents are available to view at [www.planning.hambleton.gov.uk](http://www.planning.hambleton.gov.uk). Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision.

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 9 November 2017

## Morning Meeting – 10.00am Solberge Hall

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	17/01285/FUL Mr P Jones Newby Wiske  Page no: 13	Change of use to a residential training centre (Class C2), incorporating up to 550 guest bed spaces and staff accommodation  For: PGL Travel Limited At: Newby Wiske Hall, Newby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	17/01286/LBC Mr P Jones Newby Wiske  Page no: 37	Minor external alterations to Building 1 (comprising three frosted windows), Building 7 (comprising one frosted window) and internal alterations to Buildings 1 and 7  For: PGL Travel Limited At: Newby Wiske Hall, Newby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	17/00878/FUL Mr K Ayrton Crathorne  Page no: 43	Conversion of farm buildings to commercial use, demolition of former agricultural buildings and construction of six dwellinghouses and associated parking  For: The Crathorne Estate At: Free House Farm, land to the rear of Crathorne Arms, Crathorne  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	17/00879/LBC Mr K Ayrton Crathorne  Page no: 53	Listed Building Consent for internal and external alterations to traditional farm buildings  For: The Crathorne Estate At: C W Tate and Son, Free House Farm, Crathorne  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	17/01872/OUT Mrs C Strudwick Dalton  Page no: 57	Outline application with details of access (all other matters reserved) for a residential development of 5 dwellings  For: Mrs H Harper At: Land adjacent Rose Cottage, Pit Ings Lane, Dalton  <b>RECOMMENDATION GRANT</b>

**Afternoon Meeting – 13.30pm at Stone Cross**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>6</b>	17/01066/FUL Mrs H Laws Danby Wiske  Page no: 67	Demolition of dwelling and construction of replacement dwelling and change of use of agricultural land to domestic garden  For: Mr & Mrs Aldridge At: Ashwood, Danby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	17/01427/FUL Mrs C Strudwick Easingwold  Page no: 77	Demolition of existing buildings and replace with 2 pairs of semi-detached dormer bungalows with car parking and landscaping  For: CFK Developments (Easingwold) Ltd At: HDC Depot, Stillington Road, Easingwold  <b>RECOMMENDATION: GRANT</b>
<b>8</b>	17/01521/FUL Mr K Ayrton East Harlsey  Page no: 83	Construction of one detached dwelling with integral garage.  For: TSJ Dev Ltd At: Land adjacent to Cat and Bagpipes, East Harlsey  <b>RECOMMENDATION: GRANT</b>
<b>9</b>	17/01624/FUL Mrs H Laws Morton on Swale  Page no: 91	Construction of a detached dwelling and detached double garage with storage space above.  For: Mr Simon Clayton At: Rear of Swaledale Court, Morton on Swale  <b>RECOMMENDATION: GRANT</b>
<b>10</b>	16/02168/FUL Mrs H Laws Romanby  Page no: 99	Proposed development to form two additional dwellings by conversion, alterations and extensions to the existing buildings including construction of hard-standings and three garages  For: Mr & Mrs Craven At: Crow Tree Farm, Yafforth Road, Romanby  <b>RECOMMENDATION: REFUSE</b>
<b>11</b>	17/00305/OUT Mr K Ayrton Seamer  Page no: 105	Outline application for 12 dwellings with all matters reserved  For: Mr & Mrs Cook At: Springwell Nurseries, Stainton Road, Seamer  <b>RECOMMENDATION: REFUSE</b>
<b>12</b>	17/01871/FUL Mr K Ayrton Seamer  Page no: 111	Replacement dwelling  For: Mr & Mrs Andrew & Allison Routledge At: 5 Stainton Road, Seamer  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>13</b>	17/01776/FUL Mrs C Strudwick  Page no: 117	Extension and alterations to dwelling  For: Mr Richard Byfield At: Stack House Farmhouse, Stack House Farm, Shipton by Beningbrough  <b>RECOMMENDATION: GRANT</b>
<b>14</b>	17/00784/FUL Mr P Jones Welbury  Page no: 123	Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins  For: Levendale Properties Ltd At: Duke of Wellington, Welbury <b>RECOMMENDATION: GRANT</b>

This page is intentionally left blank

**Parish: Newby Wiske**  
Ward: Morton on Swale  
**1**

Committee date: 9 November 2017  
Officer dealing: Peter Jones  
Target date: 14 November 2017

**17/01285/FUL**

**Change of use to a residential training centre (Class C2), incorporating up to 550 guest bed spaces and staff accommodation**

**At Newby Wiske Hall, Newby Wiske  
For PGL Travel Limited**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site comprises a parcel of land approximately 14.5ha in size, situated at the western fringe of the village of Newby Wiske, approximately 500m to the west of the A167 which runs through the neighbouring village of South Otterington. Northallerton lies approximately 5km to the north and Thirsk is situated approximately 7.5km to the south east. The site is accessed from a junction with Newby Wiske Village Street. The site can be accessed from the north from the A684, Warlaby crossroads and from the east from the A167 from South Otterington over the listed River Wiske Bridge. There is no other access point into the site and no additional access is proposed in the current submission.
- 1.2 The Village Street runs along much of the eastern boundary, with a number of houses between the street and the site. Maunby Lane runs alongside the southern site boundary and a number of substantial detached residential properties lie between the eastern corner of the site and Maunby Lane and the village street. The River Wiske lies approximately 200m to the east of the site boundary.
- 1.3 The site is dominated by Newby Wiske Hall which is a Grade II Listed Building, constructed in 1684 by Northumbrian landowner William Reveley.
- 1.4 In recent years the site has been the North Yorkshire Police Headquarters, although the force relocated to new headquarters in Northallerton during the course of the application. Expressions of interest to purchase the Newby Wiske site were invited by North Yorkshire Police in February 2016 in anticipation of this.
- 1.5 The site as a whole comprises extensive grounds with the listed Hall centrally located. The Hall has been much altered and extended. To the north of the Hall there are a number of houses, associated with the site, along with a former coach house and other ancillary buildings. Within the grounds there are areas of open grass land, woodland and a small lake in the north west corner.
- 1.6 There is a permissive footpath which runs around part of the perimeter of the site which would be closed as a result of the proposed development. This route is not on the Definitive Rights of Way map and is not considered to be a Public Right of Way. A submission has been made by a third party to the County Council requesting that the route be included as a Public Right of Way.
- 1.7 The development would make provision for up to 350 guests on opening (Phase 1, anticipated Spring 2018), but allows for capacity to increase to 500 guests through a second phase of development involving the further refurbishment of buildings on the site. It is noted in the submission that the 500 figure results from an assumed 10% under occupancy rate for the 550 bed spaces proposed. The application as submitted included additional accommodation for up to a further 220 guests in tents over the summer months; however this has since been deleted from the proposal.

1.8 As amended the maximum number of guests that could be accommodated on the site would be 550, (or 500 assuming 10% under-occupancy within the buildings), at peak times in the summer.

1.9 The application proposes no new buildings and sets out the uses of the existing buildings as follows:

Building 1 (the main hall): Three large class rooms, five offices, two guest WCs and a staff WC, a fencing hall, guest waiting hall, a server room, two standard store rooms, a kitchen with three associated stores, a large dining area with a servery along with associated staff WCs, lockers etc. The first floor would be mostly bedrooms for staff, including four en-suite bedrooms along with 19 standard bedrooms and a staff lounge. This floor would also include shared WC/shower rooms for guests of those bedrooms without sanitary provision.

Building 2 and 2A (a block immediately to the rear of the main hall): Accommodation for guests in a mixture of four bed, six bed and eight bunk bed rooms along with eight single teacher rooms and two double teacher rooms.

Building 3 (a 1950s block on the north side of the main hall, adjoining Building 2A): Accommodation for guests, incorporating a mixture of four bed, six bed and eight bunk bed rooms on the ground floor. Also included are five single teacher rooms.

Building 4 (a modern open plan office to the west of the main hall): Guest accommodation incorporating a mixture of six bunk bed rooms and a disabled access room per floor. Also included would be six single teacher rooms and three twin rooms per floor.

Building 5 (the former police control room): A welcome point for guests after alighting their coach, a sports hall for indoor games and an entertainment area for communal purposes in the evening and during inclement weather. It would also include a small ancillary shop for guests to access basic provisions.

Buildings 6 and 10 (forensic block): Guest accommodation; no details available.

Building 7 (former stables and coach house used as print rooms): Guest accommodation.

Buildings 8 and 9 (gate lodge): Staff accommodation.

Building 11 (former store): Internal air rifle range.

Buildings 12 – 16 (former police houses and interview rooms on the north side of the site): Staff accommodation.

1.10 The application as submitted included the following main elements;

- Up to 550 guest bed spaces;
- Staff accommodation;
- An outdoor tent area (now removed from the scheme);
- Alterations to parking arrangements;
- A new coach passing place;
- A new boundary fence for the public access area;
- A lake extension; and
- Outdoor games areas as detailed in the following paragraphs.

- 1.11 The applicant's supporting statement comments that all existing buildings would be retained with the sole intention of changing the site's overall use from offices and non-residential training centre to a residential training centre accompanied by a range of outdoor activity equipment to be located within the grounds.
- 1.12 The supporting statement sets out the nature and form of activities and example timetables outlining the activities that guests would experience. The proposed range of outdoor activities includes: three multi use games areas (reduced to one in the revised submission); an outdoor sports area; four giant swings; two four-sided abseil/climbing towers; two double zip wires; two challenge courses; activity bases and shelters; three high linear ropes courses; a low level ropes course; a problem solving area; a sensory trail; a survivor course; an extended lake for canoeing, kayaking and rafting; four-person aeroball; and an archery area, along with the re-use of an existing store (Building 11) for use as an indoor air rifle range. The applicant also proposes a number of evening activities within the buildings and grounds of the site.
- 1.13 PGL provide organised activity holidays mostly to school groups for the full age range of 7-17 years, although PGL does also offer independent holidays for children who are not part of a larger group.
- 1.14 The applicant states that the residential courses would enable engagement in a variety of organised sporting and outdoor adventure activities which test both physical and mental abilities while helping to improve a young person's social skills by engendering teamwork. Courses offered are typically 3, 5 or 7 days in length with the shorter stays more popular from March-June to September-October and the longer weekly stays generally more popular over July and August.
- 1.15 The following documents have been submitted in support of the application:
- Planning and heritage statement;
  - Arboricultural report;
  - Transport assessment;
  - Bat survey;
  - Ecological report;
  - Environmental site investigation;
  - Noise assessment; and
  - Supporting drawings.
- 1.16 Improvements have been secured as follows:
- Removal of multi-use games area pitches from the eastern part of the site reducing the number of pitches from three to one (one remaining to the west of the site);
  - The removal of the proposed tented area with an associated reduction in the overall number of people on site at any one time;
  - A reduction in the number of trees to be removed;
  - Amendments to the alterations to the Listed Building;
- 1.17 During the process additional supporting information has been secured in the form of a revised report on noise impact and a revised report on transport impact.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is an extensive planning history relating to the police's occupation of the site. A summary of the more significant applications is set out below:

- 2.2 01/00481/FUL - Slimline telecommunications tower; Granted 26 November 2001.
- 2.3 03/00263/FUL - Additional car parking areas; Granted 7 April 2003.
- 2.4 03/02205/FUL - Three storey office building; Granted 15 March 2004.
- 2.5 There have also been applications for works to be carried out to trees within the Conservation Area but these have no bearing on the current application.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP12 - Priorities for employment development  
 Core Strategy Policy 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  
 Core Strategy Policy CP19 - Recreational facilities and amenity open space  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP16 - Specific measures to assist the economy and employment  
 Development Policies DP17 - Retention of employment sites  
 Development Policies DP25 - Rural employment  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP36 - Waste  
 Development Policies DP37 - Open space, sport and recreation  
 Development Policies DP38 - Major recreation  
 Development Policies DP44 - Very noisy activities  
 National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council – Objects on the following grounds:

- Impact on the Conservation Area;
- Impact on the landscape character of the area;
- Impact on trees, in particular due to the number of trees that would be removed to accommodate equipment;
- Impact of noise on residential amenity; and
- Detrimental impact on road network due to use by coaches.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Ministry of Defence – No safeguarding objections.
- 4.4 Yorkshire Water – No objection subject to conditions relating to surface and foul water disposal.
- 4.5 NYCC Archaeology – No objection subject to an archaeological watching brief and a suitable condition with regard to ground works.
- 4.6 Environmental Health Officer

Initial response:

I believe residents are likely to be affected by noise from the proposed development, in particular from raised voices and shouting associated with the outdoor sporting activities in the sports area and MUGA pitches. How intrusive and disturbing this will be is difficult to assess and will depend partly on the management of the site, the location of the activities and when they occur.

The noise reports provided by the SLR for the applicant and Wardell Armstrong for the Newby Wiske Action Group come to different conclusions but do agree that there will be an increase in noise levels during the day, the greatest increase + 4.7dB LAeq. However, I do not believe this is the main issue, it is the nature of the noise from the proposed development. Its intermittent nature and different character to the existing noise environment means the development will impact on residential amenity, particularly as outdoor events will often occur at the same time as residents wanting to use their gardens at weekends and bank Holidays.

I also believe it's important to consider the existing background levels. Taking SLR's figures, noise from the development would be over 10dBA above the measured background (LA90 level) during the day. This would again indicate that noise from the development will be heard by residents. Sport England Guidance also supports the assumption that residents close to the sports pitches will be affected by noise from it and that the most significant impact will be from the raised voices.

BS4142, although not directly applicable, can still be used to give an indication of impact on residents and I believe SLR should have made reference to this method for the activities on site. The Wardell Armstrong report does make reference and it would suggest again that the residents will be impacted by noise.

In comparison the SLR report refers to BS 8233: 2014 but this standard states it is for 'the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building', which shows reference to standards not directly applicable are made.

There may be some scope for re-siting the sports area and MUGA pitches further away from residential premises but the applicant would have to consider if this is feasible. However, as the applications stands environmental health would object to the application due to noise impact it is likely to have on residents.

Response following initial inclusion of acoustic barrier to MUGA area:

The report from SLR dated 18th September and addresses my main concerns about the sports area, which will now be moved away from the neighbouring residential premises and that a noise barrier / bunding will be used around the south and east of the MUGA pitches to again reduce noise levels at the nearest residential premises.

The design of the barrier is important if one is used to prevent it becoming a source of complaint itself when balls are kicked / thrown against it and so it doesn't get damaged, which would significantly reduce its effectiveness but I'm sure this can be done.

Very important is their proposal to produce a Noise Management Plan and for this to be a condition on any approval. I believe if they can show there will be effective management of the site and supervision of those on it in terms on noise then the proposal could be acceptable to Environmental Health.

Further response following receipt of amendments:

In view of the recent withdrawal of camping area and MUGA pitches from the proposed application. I would make the following comments:

The absence of the MUGA pitches and camping area from the scheme and the resiting of the sports area, further from the nearest residential premises, are positive changes in terms of noise from the development impacting on residents. These changes do address the principle concerns raised by this department, I would however recommend that the applicants are required to provide a Noise Management Plan and this is agreed by and conditioned on any approval. I believe if they can show there will be effective management and supervision of the remaining activities on the site in terms on noise, particularly as activities will occur at the same time as residents wanting to use their gardens, then the proposal could be acceptable to Environmental Health.

(Officer Note: A draft Noise Management Plan is being prepared and the latest position will be reported to the meeting.)

4.7 Public comments - A total of 221 objections have been received. The issues raised are summarised below:

- Poor quality of submission, including errors and omissions which results in an application which should not be considered for determination;
- Detrimental impact on the character of the Conservation Area in particular through a loss of tranquillity;
- Road safety impacts due to large number of vehicles, in particular coaches, using the site;
- The road network is narrow and not suitable for coaches, in particular the bridge over the Wiske;
- Impact on the character of the site and surrounding area through loss of tree cover;
- Tree planting will result in a loss of sunlight;
- Impact on the ecology of the site due to harm to trees and level of noise and disturbance;
- Detrimental impact on aquatic ecology due to the proposed alterations to the lake;
- Loss of residential amenity due to level of noise from the site emanating from outdoor activities, coaches entering and leaving the site and evening noise from un-supervised children once activities have ended;
- If the proposal goes ahead there should be restricted times for outdoor activities, high fences or hedges to stop noise travelling and restricted drop offs/pick-ups and deliveries to reduce noise from traffic;
- Detrimental impact on similar businesses in the area;
- Detrimental impacts are not offset by economic benefits to the area;
- Jobs would be seasonal;

- The applicant's noise assessment report fails to take account of all of the activity areas;
- Surface water and foul water capacity is insufficient for the development;
- The number of beds is larger than that quoted at the pre-application meeting;
- The applicant's ecology report fails to set out how the bats and badgers will be protected;
- This is not a suitable location for adrenaline fuelled sports;
- Current public access to the grounds will be curtailed;
- Due to the level and period of use, the footpaths in the site are lawful rights of way;
- The noise assessment does not take into account of the tented area or weekend background noise levels which are lower than weekday levels;
- The outdoor equipment will be overbearing, out of scale and out of character for the Conservation Area and the setting of the listed building;
- The staff numbers alone will lead to a 60% increase in the population of the village;
- In peak season coaches will travel through the village 40 times per day;
- The suggestion that most staff will be able to cycle to site as they live locally is unjustifiable;
- Congestion around the school will lead to traffic problems for coaches;
- The development will contribute nothing positive to the area;
- The village will be overwhelmed by the proposal;
- The building is currently the Police HQ and not a training centre;
- Great Crested Newts and bats will be harmed by the development;
- The development is too close to residential properties;
- Two multi use games areas are proposed in close proximity to housing;
- The development will result in a loss of access to the site for the local school;
- There should be compensation for the loss of habitat if approved;
- What will the children do in the evening when not undertaking activities?;
- Pollution from heavy vehicles;
- Trees will be set alight by children;
- The development will be harmful to the physical and mental health of residents;
- Evening activities will be extremely intrusive;
- PGL's site at Marchant Hills registered noise levels between 86.8 and 99.6db. A 98 decibel level at source would require around 400m of distance travelled to reduce to 45 decibels;
- The local water main will be fractured by heavy coaches;
- The development will result in 919 people on site, which is 5 times the population of Newby Wiske;
- The development will be like having a theme park in a small village;
- An area of over 9,000m<sup>2</sup> would be disturbed for the construction of the various items of outdoor equipment;
- The development will result in disturbance to archaeological remains;
- Potential harm to nearby historic buildings through vehicular vibration;
- The recent leaving party and accompanying singer highlighted the way in which noise travels from the site;
- Development will lead to increased isolation for elderly or inform residents;
- Lack of transparency in the sale process;
- Lack of clarity or detail with regard to external lighting;
- Coaches using the road will have a detrimental impact on the ability of people to walk to South Otterington, particularly school children;
- Misleading information at the pre application meeting;
- PGL keep changing the information on their website about the proposal; and
- Access onto Maunby Lane is inappropriate due to the dangerous drop from the site onto the road.

Seven representations supporting the proposals have been received. The comments made are summarised below:

- The proposal is a good alternative use of the site;
- Economic development will be good for the area;
- It will improve job opportunities in the area;
- PGL sites are well run, well organised, disciplined outdoor activity centres;
- The development will bring joy and life experience to the lives of many children;
- The proposed development would be a brilliant use for this building;
- The life skills that this development would bring would outweigh the arguments of objectors;
- Children would not be allowed unsupervised off site;
- A local school would be noisier than the proposal;
- Access to this site would benefit a multitude of youngsters who are not fortunate enough to live in this sort of environment;
- A great opportunity to offer outdoor training facilities for young people;
- PGL sites are managed for the benefit of wildlife; and
- We should not be objecting to children laughing and enjoying outdoor activities.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) noise and residential amenity; (iii) design, heritage and tree impacts; (iv) highway and rights of way impacts; (v) ecology; (vii) flood risk and drainage; and (viii) economic impacts.

### Principle of development

- 5.2 The application is for the change of use of the site from an office use to a residential training centre, along with associated equipment. Policy DP28 is supportive of the re-use of listed buildings in order to ensure their continued beneficial use.
- 5.3 The site is in a location where development is only supported by Core Policy CP4 and Development Policy DP9 if one of six exceptions listed in policy CP4 applies. The following four exceptions from that policy may apply to this development:
- 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; or
  - ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
  - iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
  - vi. It would support the social and economic regeneration of rural areas.
- 5.4 The other centres the applicant operates within the UK are in rural areas and whilst it is not argued that a countryside location is strictly necessary to accommodate the proposal, it is clear that from an operational standpoint the locational requirements of the business are complex in as much as the applicant requires a large open space which can accommodate climbing and other equipment, along with extensive residential accommodation. It is difficult to see how this might be accommodated within the Development Limits of larger settlements. The use would contribute to the rural economy through direct employment and buying in services and would be centred on the re-use of a grade II listed building. Subject to the detailed requirements of other policies relating to heritage and the rural economy and other

impacts considered below, the principle of the development is therefore considered to be acceptable in this location.

#### Noise and residential amenity

- 5.5 The potential noise impacts from the development are perhaps the most emotive and difficult to quantify and assess. Two potentially significant noise generators, the two multi-use games areas to the front of the site and the proposed tented area within the main field, have now been omitted from the proposal.
- 5.6 There are a number of potential sources of noise generation resulting from the proposed use. These range from noise from coaches coming to and from the site to noise generated by children participating in on-site activities through to specific noise sources, including the proposed rifle range in Building 11.
- 5.7 The applicant submitted a detailed assessment of noise (which included assessment of the two elements since omitted) which has been subject to consultation with the Council's Environmental Health Team. A third party has submitted an independent noise assessment in support of their objection, which alleges deficiencies in the applicant's noise assessment.
- 5.8 The applicant's noise assessment sets out the methodology used for measuring the background noise levels, identifying receptors and assessing the likely noise levels in sensitive locations as a result of the development. This assessment has been updated through the course of the application, to take account of comments from the Environmental Health Team.
- 5.9 Local residents under the auspices of the Newby Wiske Action Group have contracted Wardell Armstrong to undertake a review of the applicant's noise report associated with the proposed development and the impact that would have on local residential occupiers. Wardell Armstrong has also undertaken its own additional baseline monitoring of background noise levels in the vicinity of the survey locations identified in the applicant's report in order to evaluate the levels presented in the applicant's report.
- 5.10 The report submitted by objectors to the scheme argues that the applicant's noise assessment significantly overestimates the baseline noise levels associated with the existing acoustic environment. It suggests that the outdoor equipment is most likely to be used when weather conditions are good and therefore when residents are most likely to use and enjoy their gardens. It is further argued that these conditions are likely to result in the lowest residual and background noise levels, making any noise from the development appear more pronounced and noticeable to a noise sensitive receptor.
- 5.11 The applicant's noise report is also criticised on the grounds that noise measurements were taken during unsuitable conditions, because it does not refer to critical pieces of guidance, and that the noise models used lack detail and transparency. The objector's report concludes that the applicant's findings result in flawed conclusions that construct a highly misleading narrative and that the development "will almost inevitably be subject to justified statutory nuisance action when complaints are received from residents of the neighbouring properties."
- 5.12 This was put to the applicant, who provided a detailed rebuttal, which concludes that "it is [our consultant's] professional opinion that the findings of our assessment are representative of the potential noise impacts from the proposed [development] and are therefore robust". The following reasons are given for that view:

- The baseline survey and assessment methodologies were scoped and confirmed with the EHO in advance of the assessment;
  - The noise sources levels used for the various activities associated with the development were determined through an operational noise survey;
  - The noise levels were predicted using an appropriate noise modelling software programme using the appropriate calculation algorithms; and
  - The predicted noise levels were assessed using the correct and most appropriate British Standards and guidance.
- 5.13 The Environmental Health Team has examined all submissions in relation to the noise assessments and raised a number of questions through the course of the application, which resulted in changes to the methodology of the noise assessment.
- 5.14 In seeking to address the concerns of local residents the applicant has amended the proposal through the removal of the two multi-use games areas that would have been located closest to the boundary with residential properties and the removal of the large tented area which would have accommodated up to 220 additional guests during the peak summer period.
- 5.15 Questions have been asked within representations, with regard to stopping outdoor activities at 9pm. The applicant's consultant's memorandum dated 18 September states that the timetabled outdoor activities would run from 9am until 5pm with low key activities until 9.30pm. The Environmental Health Team considers that it would be difficult to argue a case to reduce by 30 minutes to 9pm on noise nuisance grounds and advises that this matter would be better dealt with through a definition of low key activities in a noise management plan, something which could be secured by planning condition. The applicant has provided a breakdown of activities likely to be run during the evenings and none of these are considered to be onerous in terms of noise generation.
- 5.16 PGL centres operate with managed groups of 12 guests doing up to 5 activity entertainment sessions per day (including evening activities) with a total of 14 sessions per week. School groups are supervised by both visiting school staff and PGL staff at a ratio of 1:8. On arrival, children join a small group of similarly aged children in the care of a Group Leader responsible for children's social welfare. Group Leaders supervise their group of children at all times when not on an activity or in their rooms at night time. During the day and evening, children would be supervised by activity instructors during activity times and by their Group Leader during all other times. At all times, the minimum supervision ratios are as follows:
- For children aged 7-13 ratio is 1:12;
  - For children aged 13-17 ratio is 1:24; and
  - During activities, the minimum ratio is 1:12, although this may increase depending on the nature of certain activities.
- 5.17 In conclusion, the Environmental Health Team is clear that whilst the proposed development would result in changes to the noise profile and levels in the area, subject to appropriate controls it would not result in any significant detrimental impact on residential amenity. A condition is recommended requiring the submission of a noise management plan which would be designed to minimise noise issues in the way activities are run and address any issues that arise through the operation of the site. For example the plan could limit numbers of people using particular items of equipment or limit the hours that certain equipment may be used. The plan would also provide for feedback mechanisms from the community and processes to ensure that appropriate mitigation is put in place. As indicated earlier, a draft Noise Management Plan is being prepared and the latest position will be reported to the meeting.

- 5.18 As noted in section 1, the applicant expects to have no more than 500 guests on site at any time due to an assumed 10% under occupancy rate for the 550 bed spaces that are proposed. The applicant has confirmed that a planning condition limiting guest numbers to 500 would therefore be accepted.

#### Design, heritage and tree matters

- 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 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 development proposals.
- 5.23 In this case the applicant undertook pre-application community consultation by way of an open day held at Newby Wiske Hall on 9 May 2017 between 1pm and 7pm. Invites went out to residents of both Newby Wiske and South Otterington, along with the Parish Councils and Ward Member. An advert detailing the public consultation event was placed in the Darlington & Stockton Times on Friday 5 May 2017. In total 120 individuals attended the consultation event, of whom 76 completed a questionnaire.
- 5.24 The applicant has included a Statement of Community Involvement in their submission which highlights concerns raised through consultation including:
- Loss of access to the site and nature trail for walking and recreation;
  - Noise and disturbance from children across the site;
  - The effectiveness of soundproofing an indoor rifle range;
  - The number of vehicle movements;
  - The size of coaches and their potential to generate noise and air pollution;
  - Insensitive siting of the multi-use games area close to residential properties towards the north eastern corner;
  - Activity bases in woodland would result in the loss of habitat;
  - Young people leaving site and behaving badly in the village;
  - The local road network is unsuitable for large vehicles;
  - The nature of local employment opportunities;
  - The potential for conflict with local school traffic;

- The potential for coaches to be waiting on the local highway outside of the site; and
  - Whether fencing would be erected around the site perimeter.
- 5.25 The Planning Statement is very detailed and sets out the character and form of the wider area and the site specifically and sets out how the design has evolved in an attempt to address the issues raised through the consultation. It is considered that the applicant has carried out sufficient local consultation in order to meet the requirements of local policy and the NPPF.
- 5.26 It has been stated in representations that the information provided through the consultation process was not representative of the submitted application, in particular in terms of the overall number of guests on site at any one time. The presentation material did not include a specific number and it appears that the confusion has arisen, at least in part, over the different numbers of guests that would be on site in Phases 1 and 2 of the development.
- 5.27 The grounds of Newby Wiske Hall contain a wide variety of trees which contribute to the setting of the listed building and the character and appearance of the Newby Wiske Conservation Area. These include large mature parkland trees and areas of woodland, along with more recently planted amenity trees. There are 26 tree species recorded at the site. The most frequently occurring species is sycamore, followed by larch, hybrid black poplar and oak. Ash and beech are the next most frequently occurring species. There are other species present including Giant Sequoia and Deodar Cedar.
- 5.28 The applicant has submitted a detailed arboricultural impact assessment with the application and the Local Planning Authority has had an independent assessment of this submission undertaken.
- 5.29 The applicant notes that the proposal would result in the more extensive use of the site by virtue of the activities proposed but concludes that a more managed approach to the woodland would ultimately have a beneficial effect on the trees as a whole.
- 5.30 Concern was expressed by the local community about the loss of trees from the site and the application has been amended to significantly reduce the number of trees that would be removed from the site. Only a limited number of trees are now proposed for removal. The majority of trees proposed for removal are for tree management purposes owing to their poor health. Only a limited number, mostly smaller trees, would be removed to facilitate the development of the proposed activity bases within the woodland. Some crown lifting of trees is also required to facilitate the construction and operation of the proposed zip wires. It is considered that the reduction in tree removal would ensure that the setting of the listed building and the character and appearance of the Conservation Area would be maintained.
- 5.31 It is recommended that a woodland management plan be prepared to accompany any grant of permission. This would ensure that the woodland and parkland trees are managed in an appropriate way in order to ensure that the character of the site is not harmed and that the woodland is managed in an appropriate fashion.
- 5.32 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the 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 Newby Wiske Conservation Area.

- 5.33 The buildings have undergone a number of significant renovations through the years, including large scale, unsympathetic alterations to the rear of the main Hall. Limited alterations are proposed to the buildings themselves with minimal changes being planned. These are considered in depth in the report on the accompanying listed building application, 17/01286/LBC, elsewhere on this agenda. Arranged principally over two floors, the Grade II listed Main Hall lies within grounds extending to approximately 14.5ha (35 acres). The southern wing of the Main Hall is the oldest part of the building, with elements dating from the seventeenth, eighteenth and nineteenth centuries. In the twentieth century an extension to the Main Hall's northern elevation incorporated catering and dining facilities.
- 5.34 Concerns have been raised through representations with regard to the way in which the proposed development would impact on the character of the Conservation Area. Whilst the application is for the change of use of the site, it also includes the construction of a number of pieces of equipment within the grounds of the Hall.
- 5.35 In terms of tree cover and the installation of the equipment, it is considered that this would have a generally neutral impact on the Conservation Area. Only small elements of the proposed equipment would be readily visible from public spaces within the Conservation Area and as such the development is not considered to have any significant impact on the character or appearance of the Conservation Area in these terms. This impact is reduced by the limited number of installations located in the open along with the form of the structures, built mostly in wood, and their context of a woodland backdrop.
- 5.36 Representations have highlighted the importance that tranquillity has in determining the character of the Conservation Area. It is agreed that tranquillity contributes towards that character. The question is the degree to which any increase in noise levels or change to the noise profile as a result of vehicular movements and activities on site would change the levels of tranquillity experienced within the Conservation Area and result in harm to its character.
- 5.37 The main change in the experience of an individual enjoying the Conservation Area would be the potential for greater awareness of the development, through the sight and sound of guests participating in activities on the site along with a change in the nature of traffic flows into and out of the site. The current background noise levels in the area are generated through traffic movements, general noise from wind through trees and buildings and the occasional overflying of jet aircraft from nearby airfields, along with police activity on the site.
- 5.38 In terms of vehicular movements and associated noise, the proposed development would result in fewer vehicular movements than the police HQ. The overall number of vehicle movements would decrease fairly significantly. However, there would be a switch in transport mode from cars to coaches. As such the greatest impact would be from coach movements along the road network, manoeuvring on site and entering and exiting the site. The pattern of movements would differ from that currently experienced, with a greater reliance on coach transport and a shift from daily movements of police staff and operational units towards weekly movements of guests and resident staff. There would therefore be an increase in vehicular activity at some times and a decrease at other times. Overall, the change in pattern is considered to have a neutral impact on the character of the Conservation Area in terms of tranquillity. It is not anticipated that the noise levels on site would be at such high levels as to result in a significant change to the character of the Conservation Area, which would therefore be preserved.
- 5.39 The physical alterations within the grounds of the Hall also have the potential to impact on the character and appearance of the Conservation Area. The majority of

these structures would be built in wood with stainless steel wire and would be mainly sited within or adjacent to trees where they would be partly obscured from public view, or viewed against a backdrop of trees. Given the parkland nature of the site at present, these structures would change the character of the space. The structures would all be de-mountable and as such their impact would be transient. Subject to conditions with regard to the constructional details of these structures, they are not considered to have any significant harmful impact on the character or appearance of the Conservation Area, which would therefore be preserved.

- 5.40 Concerns have been expressed about the impact of the proposed development on the setting of the listed building. Only minor alterations are proposed to the listed buildings themselves, which are covered in a separate report on Listed Building Consent application ref 17/01286/LBC. The proposed new structures would be set at a distance from the listed building and as such the main impacts would be to the appearance of the parkland in which the listed building is set. Similarly to the nature of the impacts on the Conservation Area, it is considered that the proposed structures would sit comfortably within the parkland setting and have little impact on the setting of the listed building as a result.
- 5.41 Representations have raised the issue of the impact that the occupation and use of the site would have on the listed building. However, it is considered that the nature of the occupation of the building not significantly different in terms of the impacts on the significance of the listed building, from the current occupation as a police HQ.
- 5.42 Paragraph 134 of the National Planning Policy Framework 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.
- 5.43 The enabling of a new use for the listed building is considered to aid its preservation, in line with the expectation set in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The future maintenance of the site and the provision of employment are considered to weigh in favour of the proposal and is considered to offset the limited potential for harm to the character and appearance of the Conservation Area, in line with Section 72 of the same Act.

#### Highway and rights of way Impact

- 5.44 Approval of this scheme would result in a change to the nature of vehicle movements around the site. The current use, effectively as an office, results in high numbers of car movements, mostly - although not exclusively - to and from the site at the start and end of the working day.
- 5.45 The proposed development would introduce a focus on coaches bringing guests into and out of the site, but would involve other vehicle movements associated with staff and ancillary services and deliveries coming to the site.
- 5.46 There are two likely ways for vehicular traffic to enter the site. From the north from Warlabby crossroads on the A684 and from the east from the A167 at South Otterington. Both routes are relatively narrow and have places where large vehicles may have difficulty passing one another, in particular the listed bridge over the river Wiske between South Otterington and Newby Wiske.
- 5.47 The applicant has submitted a detailed transport assessment which has been updated through the course of the application. Automatic traffic counters were installed on the main street and the site access in order to determine the existing traffic conditions, whilst the police HQ was still fully operational. This allowed a

detailed assessment to be made of the number and type of vehicles using the village street and the number of these vehicles coming to and from the Police HQ.

- 5.48 The traffic count showed that the main village street experienced an average of 1,416 vehicle movements per weekday, of which 131 were classified as HGVs. Peak traffic movements occurred between 7am and 9am and between 4pm and 5pm. Of these movements, 997 (70%) are attributed to vehicles entering and leaving Newby Wiske Hall, of which 42 were classified as HGV (32%).
- 5.49 Vehicle movements at the weekend were much less with 626 vehicle movements on Saturday of which 16 were classified as HGV and 597 vehicle movements on Sunday, of which 7 were classified as HGV. A total of 43 of these movements are attributed to Newby Wiske Hall traffic on Saturday and 44 on Sunday with only one or two HGV movements.
- 5.50 The traffic generation projection in the transport assessment assumes a worst case scenario with the site fully occupied (including the tented area that is no longer part of the proposal). The assessment states that PGL are able to provide an accurate projection of traffic movement, based on their experience at other sites.
- 5.51 The majority of the visitors to the site would arrive by coach and on the busiest day for coaches (a Friday in June/July) there would be 40 coach movements (20 arrivals and 20 departures) with arrivals likely between 10am-12:00pm and departures between 13:00-13:00pm to avoid peak travel and school start/finish times.
- 5.52 The Highway Authority has raised concerns that there may be a discrepancy in the submitted vehicular movement forecast figures for the number of trips by parents because it does not appear that there is any allowance for an overlap between those arriving and those departing.
- 5.53 However, the Highway Authority goes on to say that even with the possible discrepancy in the forecast figures taken into account, whilst there would be an increase in vehicular traffic on a weekend compared to when the Police Headquarters was fully operational, on all other days there would be a decrease and overall this proposal would result in a significant reduction of vehicular movements associated with the site. Given this, the Highway Authority considers that a recommendation of refusal on highway grounds would not be appropriate or sustainable.
- 5.54 The Parish Council and local people have questioned the ability of the local road network to accommodate the traffic that the proposed use would generate. The Highway Authority has also considered issues around the width of the roads to the site and questions raised in representations about the ability of two large vehicles to pass one-another. The Highway Authority advises:

"The site is accessed via a "C" classified road known as the C10 and it is assumed that traffic will travel in both available directions to and from the site. The site is approximately 800 metres from the junction of the A167 at South Otterington and 4.9 kilometres from the junction of the A684 north of Warlaby. The C10 is generally of good width (5.5 metres wide or greater) but there are some areas of localised narrowing. To the north of the village, past Newby Foods to the junction of Back Lane, the road narrows over a length of approximately 600 metres. The width varies between 5.2 metres to a minimum of 3.6 metres single carriageway for a distance of approximately 60 metres. There are widened areas up to 7.0 metres wide within this overall length of road to allow vehicles to pass. The road also narrows slightly through Warlaby to a minimum of 5.2 metres for a distance of approximately 170 metres. "Road narrows" signs are in place to warn drivers at these locations."

The Highway Authority is satisfied that the proposed development will raise no highway safety issues in these terms.

- 5.55 A number of representations have commented on the width and form of the nearby bridge over the River Wiske and potential conflict with people and parked cars outside the school at South Otterington. Again the Highway Authority has looked at these issues and advises:

“To the east of the site, the road crosses the River Wiske and the carriageway narrows to 4.3 metres on the bridge. There is no weight restriction and drivers have to give way to others on the bridge as required. A driver of a coach has an elevated driving position and better forward visibility across the bridge as a result. The road also passes South Otterington C of E Primary School where there have been concerns raised about on-street parking at the start and finish of the school day. As stated previously it is likely that the coach movements associated with the proposal would be outside these times. An assessment of the recorded accident data over the last 5 years shows that there have been no accidents at any of these areas of concern.”

- 5.56 The Highway Authority recommends a number of conditions including the submission of a travel plan, which would cover the following matters:

- The appointment of a travel co-ordinator;
- Vehicle trip routing and timings;
- A partnership approach to influence travel behaviour;
- Measures to monitor and encourage modes of transport other than the private car;
- Provision of up-to-date details of public transport services;
- Continual appraisal of travel patterns and measures provided through the travel plan;
- Improved safety for vulnerable road users;
- A reduction in all vehicle trips and mileage; and
- A programme for the implementation of measures and physical works.

- 5.57 In conclusion, it is considered that the proposed development would result in significant changes to the nature of traffic movements in the vicinity of the site, with an overall reduction of vehicle movements from when the North Yorkshire Police was in full occupation. It is also considered that, whilst there would be an increase in coach movements, the local highway network has the capacity to accept these traffic movements without detriment to road safety.

- 5.58 It is known that North Yorkshire Police has allowed local people to use a footpath within the site. This path is not recorded as a public right of way and is therefore understood to be a permissive path, available at the landowner's discretion. The applicant intends to close this footpath and the County Council has been asked to determine whether a public right of way has become established. The path is not considered to constitute a recreational facility or amenity open space subject to policy CP19 in its own right, although the grounds of the Hall may be viewed as an amenity asset. As indicated elsewhere in this report, there would be limited change to the openness of the grounds overall and the policy objective is to maintain the space, not determine rights of entry. The claimed right of way, if proved, would be subject to protection under rights of way legislation so it does not need to be considered as part of this application. However, the proposed equipment within the site would not block the path if it were confirmed as a Public Right of Way.

#### Ecology

- 5.59 Given the nature and form of the site incorporating grasslands, a lake and woodlands, it is considered to provide a relatively high quality environment for flora and fauna. An ecological impact statement was submitted with the application and the survey work carried out as part of this identified the presence of bats, badgers and breeding birds within the site. The physical scale of development on the site is relatively minimal, with new installations having a relatively small footprint. As such the impacts identified relate to localised habitat removal required in order to establish outdoor play equipment along with the physical impacts that the activity of children and their supervisors would have. This would have an effect upon mixed plantation woodland, neutral grassland, amenity grassland and the ornamental lake.
- 5.60 It is considered that the identified small scale habitat losses can be compensated through appropriate woodland management, tree planting and the creation of neutral grassland habitats. In accordance with Policy CP16, opportunities to help preserve and enhance the site's natural assets have also been identified in order for the proposal to deliver a net gain for biodiversity at the site.
- 5.61 Bat roost detection surveys were undertaken and set out in the submitted bat survey report (August 2017). The survey identified possible impacts on bats in terms of disturbance of roosts, loss of foraging grounds and the disruption of flight lines. It is considered that these impacts can each be managed and mitigated through the implementation of the submitted ecological enhancement plan, which could be secured by planning condition. The proposal has been designed in order to mitigate any impact on badgers through careful siting of activity equipment. Concerns have been expressed about the level of occupation of the site and the impact on badgers in particular, but also other wildlife on the site. However, it is considered that with suitable management of the site there would be no detrimental impact on badgers or other wildlife.
- 5.62 Overall, it is considered that there are no significant ecological impacts as a result of the development. As such the proposal is considered to be consistent with Policies CP16 and DP31, whilst also according with the principles established in the NPPF.

#### Flood Risk and Drainage

- 5.63 The entirety of the site falls within Flood Zone 1, an area at the lowest risk of flooding. As such the site is considered not to be at risk of flooding. The applicant's supporting statement sets out the current drainage strategy on site, which is not subject to significant change and notes that surface water currently drains from two main areas of the site. From the Main Hall and adjoining buildings it routes into the ornamental pond and from the paddock area and former stable block it routes to the main street. Foul water from the paddock area and former stable block is routed to a point north of the site access road and then out to the Village Street. From the Main Hall and adjoining buildings it routes to the same point and out to the Village Street. An existing pumping chamber is located on the site which helps route the foul water towards the Village Street. No objections have been raised from Yorkshire Water in this regard. Yorkshire Water has recommended conditions covering the disposal of foul and surface water from the site.
- 5.64 Representations have raised the issue of contaminated water from surface water flows getting into the surface water drainage and hence into the pond and potentially contaminating nearby farmland. Given that this is the current method of surface water management on site and no new contaminants are likely to be introduced to the surface water system the likelihood of contamination is considered to be low.

#### Economic Impacts

- 5.65 Policies CP15 and DP25 give support to the retention of existing businesses in rural areas, although policy DP25 sets a clear expectation that employment development in rural locations is small scale. Therefore, while the police HQ provided valuable employment opportunities, it was not of a scale that was entirely consistent with Development Plan policies in this area. However, the police HQ is relocating to Northallerton and therefore there should be no loss of employment to the district overall.
- 5.66 The proposed development would introduce a new business with its associated economic impacts for the area. The applicant states that 81 full-time staff would be employed on site on opening with this increasing further in the fullness of time.
- 5.67 Policy DP25 requires that development should support thriving rural communities and take account of the different roles of areas, recognising the intrinsic character and beauty of the countryside. The NPPF states that economic growth in rural areas should be supported in order to create jobs and prosperity by taking a positive approach to sustainable new development. The proposed development is considered to assist the rural economy through offering inclusive employment opportunities on a long term basis as set out in Development Policy DP25. The proposal would also make a significant contribution to the economic wellbeing of the local rural community.
- 5.68 Concern has been raised through representations about the possibility that jobs would be seasonal and as such would not give the benefits to the local community as set out in the supporting statement. Seasonal working is to be expected to some extent in leisure and tourism businesses and Development Plan policies do not place any lesser value on those enterprises as a result.
- 5.69 However, the applicant contends this view stating: "The proposal would generate 109 permanent jobs during operation and also offer potential work to local contractors during refurbishment/fit-out. It would also support other local business, for instance laundry services and the like."
- 5.70 The Newby Wiske Action Group has submitted a Social and Economic Needs Analysis, prepared by James Lambley and Associates which examines the social demographics of the area and assesses the provision of outdoor activities. The report comes to the following conclusions:
- There is evidence of a shortage of high quality mixed housing and of affordable mixed tenure dwellings in Hambleton and in rural villages in particular. This unmet need exists in Newby Wiske and surrounding villages;
  - There is no evidence of unmet supply for outdoor activities. Indeed, there are concerns that local businesses offering the same product will be edged out by a new development for outdoor activities. A net impact assessment should be undertaken to ascertain potential job and revenue losses of existing local businesses that would suffer this adverse impact;
  - Peripheral businesses should be included in a net impact assessment to account for any adverse impacts on visitor activities and spend due to the change in character of the area, particularly the quiet atmosphere and low traffic particularly at weekends;
  - The supply of land for housing is problematic. The use of Newby Wiske Hall and its footprint to develop high quality apartments and affordable housing for younger people would meet many local and district needs;
  - There is a significant proportion of children in the local villages who might wish to be able to afford housing in their villages in the future;

- A local school would benefit from the release of large homes occupied by single people or couples who wish to downsize locally, enabling families to move into the villages;
- A sympathetic development of mixed housing would not only not contravene the principles of the Conservation area but align with paragraph 1.1.1 of HDC's 1985 Conservation Area Report stating that that conservation should also "ensure that settlements remain alive and prosperous";
- PGL's proposed development would contravene the same paragraph 1.1.1: "...the local authority will be particularly concerned with character and appearance [- paying special attention to detail - materials, colour, height, proportion, design, siting -] to ensure that new development can be properly integrated into the established local scene" as well as the basic designations set out below (confidence in the future of the area for property owners; confirmation of the area's special character).

5.71 It should be noted that several points relate to an alternative of residential development that is not before the Council and therefore those points are not material to this application. It should also be noted that the 1985 Conservation Area Report referred to sets out the Council's general approach to future planning applications but does not provide specific guidance on any particular proposal. Furthermore, the representation alleging that other businesses would be edged out of business through competition is not a material planning consideration.

5.72 The applicant has responded to the Action Group's Social and Economic Needs Analysis, stating that its proposals:

- Are fully compliant with adopted policy;
- Will have a positive impact on the local economy and employment levels; and
- Would protect and reuse the listed buildings in their current form and introduce no new buildings into the grounds. Therefore, they have limited impact, but provide a secure future for the maintenance and upkeep of the listed buildings and its grounds.

Conversely the applicant considers the alternative proposals in the Social and Economic Needs Analysis inappropriate given that:

- The site is not a residential allocation in any development plan and has not been the subject of such consideration;
- The site lies outside of Development Limits and therefore new build development would be contrary to policy DP8 and could have a negative impact on the listed building; and
- Any conversion of the listed building would necessitate additional interventions into its form and fabric and would have a harmful impact on it.

Finally, in terms of the argument that there will be a negative impact on similar uses in the wider area, it is stated that:

- Of the ten outdoor activity businesses listed, only two are centres which offer accommodation, and
- Of these only Camp Hill solely targets young people/children.

Moreover, the applicant asserts there is no qualitative evidence in terms of how the PGL operation would negatively affect these other sites in the area. It is argued that, given PGL's national and international appeal there is no substantive argument provided to underpin the report's conclusions, particularly given the year on year growth in this sector.

The planning balance

- 5.73 The main issues giving weight in the planning balance are: the beneficial re-use of the listed building along with the economic benefits associated with the development, weighed against the detrimental impacts of noise associated with the development, along with the impacts of vehicle movements in the vicinity of the application site. Issues around ecology, trees and impacts on the Conservation Area and the physical changes to the listed building could be managed by use of appropriate planning conditions and are therefore considered to have a neutral impact in the planning balance.
- 5.74 As set out previously, whilst the proposed development would have an impact on the residential amenity of a small number of properties in the vicinity of the application site, this impact is considered to be outweighed by the positive impacts of the re-use of the listed building and the economic benefits of the proposed development.
- 5.75 A number of representations have raised questions around child protection and health and safety on site. These representations have raised matters including the implications of a significant drop from the site perimeter onto Maunby Lane and a believed necessity to build a security fence around the site. The application does not include any significant fencing of the boundary of the site and matters relating to health and safety and child protection would be matters for the applicant to deal with under due diligence and are not considered to be material planning considerations. However, the applicant has stated that equipment built on the site would be locked down when not in use.

## 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 following drawings:

<u>Drawing Number</u>	<u>Description</u>	<u>Date Received</u>
2039 Rev P1	Location Plan	01 September 2017
2040 Rev P34	Proposed Site Plan	29 September 2017
2004 Rev P1	Manor House, Proposed Ground Floor Plan	22 August 2017
2005 Rev P1	Manor House, Proposed First Floor Plan	22 August 2017
2007 Rev P1	Proposed Manor House Elevations	22 August 2017
2036 Rev P1	B15 Proposed Plans and Elevations	22 August 2017
2044	High Linear Ropes	22 August 2017
2041	Giant Swing	22 August 2017
2042 -	Four sided Abseil Tower	22 August 2017
406.06654.00004-EC04	Landscape Mitigation and Ecological Enhancement Plan	22 August 2017
EC03	Building Locations	22 August 2017
2024 Rev P1	B7 Proposed Plans	22 August 2017

2026	B7 Proposed Elevations	22 August 2017
2017 Rev P1	Building 4 Proposed Plans	22 August 2017
2019 Rev P1	Building 4 Proposed Elevations	22 August 2017
2013 -	Building 3 Proposed Floor Plans	22 August 2017
2015 -	Building 3 Proposed Elevations	22 August 2017
2009 -	Building 2 Proposed Plans	22 August 2017
2011 Rev P1	Proposed Building 2A and 2B Elevations	22 August 2017
2038 -	Building 16 Proposed Plans and Elevations	22 August 2017
2034 -	Building 14 Proposed Plans and Elevations	22 August 2017
2032-	Building 13 Proposed Plans and Elevations	22 August 2017
2086 -	Building 12 Proposed Plans and Elevations	22 August 2017

3. No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) the programme for post investigation assessment; (c) provision to be made for analysis of the site investigation and recording; (d) provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) provision to be made for archive deposition of the analysis and records of the site investigation; and (f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition or development shall take place other than in accordance with the approved Written Scheme of Archaeological Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Archaeological Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
5. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and implementation of any necessary additional infrastructure to serve the development, have been submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
6. Prior to the opening of the development hereby approved a Noise Management Plan shall be submitted in writing and approved by the Local Planning Authority. The site shall then be managed in perpetuity in accordance with the approved Noise Management Plan.

7. Prior to the installation of any external lighting, full details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed in complete accordance with the approved details.
8. Prior to the installation of any external equipment (including but not limited to climbing towers and zip lines), full details of that equipment, including micro-siting, shall be submitted in writing and approved by the Local Planning Authority. The equipment shall then be installed in full accordance with the approved details.
9. No part of the development shall be brought into use until the approved parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "Proposed Site Plan"). Once created these 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 establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
11. Prior to the development being brought into use, a travel plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include: (a) the appointment of a travel co-ordinator; (b) vehicle trip routing and timings; (c) a partnership approach to influence travel behaviour; (d) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site; (e) provision of up-to-date details of public transport services; (f) continual appraisal of travel patterns and measures provided through the travel plan; (g) improved safety for vulnerable road users; (h) a reduction in all vehicle trips and mileage; (i) a programme for the implementation of such measures and any proposed physical works; and (j) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The travel plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved travel plan.
12. Prior to the first occupation of the development hereby approved a woodland management plan setting out the short term, medium term and long term management of the woodland and trees on the site, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be managed in accordance with the approved plan.
13. Prior to the first occupation of the development hereby approved an ecological enhancement plan setting out a programme of ecological enhancement for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be managed in accordance with the approved Plan.
14. Prior to the commencement of development a tree protection plan shall be submitted to and approved by the Local Planning Authority. The development hereby approved shall then be implemented in accordance with the tree protection plan. The plan shall provide for the protection of trees to be retained in the proximity of any new equipment to be installed.
15. The maximum number of guests accommodated on site shall not exceed 500 at any time.

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 to protect Archaeological remains on the site and in order to accord with the requirements of Development Policy DP29 and Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
4. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to accord with Development Policy DP6.
5. To ensure that no foul water discharges take place until proper provision has been made for their disposal and to accord with the requirements of Development Policy DP6.
6. In order to protect the amenity of the area and to accord with the requirements of Development Policy DP1.
7. In order to protect the amenity of the area and to accord with the requirements of Development Policy DP1.
8. In order that the proposed equipment is compatible with the character and appearance of the area and to accord with the requirements of Development Policies DP28 and DP32.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of Development Policy DP3.
10. In the interests of highway safety and the general amenity of the area and to accord with the requirements of Development Policy DP3.
11. To establish measures to encourage more sustainable non-car modes of transport and to accord with the requirements of Development Policy DP4.
12. In order to ensure the protection and good management of on-site trees and woodlands and to accord with the requirements of Development Policies DP28 and DP31.
13. In order to ensure the protection and good management of on-site ecology and to accord with the requirements of Development Policies DP28 and DP31.
14. In order to protect all retained trees within the development and to accord with the requirements of Development Policy DP28.
15. In order to protect the amenity of the area and to accord with the requirements of Development Policy DP1.

This page is intentionally left blank

**Parish:**  
**Ward:**  
**2**

Committee date: 9 November 2017  
Officer dealing: Peter Jones  
Target date: 16 October 2017

**17/01286/LBC**

**Minor external alterations to Building 1 (comprising three frosted windows), Building 7 (comprising one frosted window) and internal alterations to Buildings 1 and 7  
At Newby Wiske Hall, Newby Wiske  
For PGL Travel Limited**

**This application is referred to Planning Committee as it accompanies a planning application for major development that has attracted significant public comment**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 Newby Wiske Hall dates to the late 17th century with successive building phases occurring over a three hundred year period. The Main Hall's interior remains largely unchanged with the southern section of the building retaining much of its mid-19th century Neo-classical splendour.
- 1.2 The wider site and surroundings are described in the report on application 17/01285/FUL elsewhere on this agenda. However, this application is concerned with changes to the following buildings within the site that require listed building consent:

Building 1 (the main hall) : Three large class rooms, five offices, two guest WCs and a staff WC, a fencing hall, guest waiting hall, a server room, two standard store rooms, a kitchen with three associated stores, a large dining area with a servery along with associated staff WCs, lockers etc. The first floor would be mostly bedrooms for staff, including four en-suite bedrooms along with 19 standard bedrooms and a staff lounge. This floor would also include shared WC/shower rooms for guests of those bedrooms without sanitary provision.

Building 2 and 2A (to the immediate rear of the main hall): Accommodation for guests in a mixture of four bed, six bed and eight bunk bed rooms along with eight single teacher rooms and two double teacher rooms.

Building 3 (a 1950s block on the north side of the main hall, adjoining Building 2A): Accommodation for guests, incorporating a mixture of four bed, six bed and eight bunk bed rooms on the ground floor. Also included are five single teacher rooms.

Building 4 (a modern open plan office to the west of the main hall): Accommodation for guests, incorporating a mixture of six bunk bed rooms and a disabled access room per floor. Also included would be six single teacher rooms and three twin rooms per floor.

Building 5 (the former control room): A welcome point for guests after alighting their coach, a sports hall for indoor games and an entertainment area for communal purposes in the evening and during inclement weather. It would also include a small ancillary shop for guests to access basic provisions.

Buildings 6 and 10 (the police forensic block): Guest accommodation; no details available.

Building 7 (former stables and coach house used as print rooms): Guest accommodation.

Buildings 8 and 9 (gate lodge): Staff accommodation.

Building 11 (former store): To be used as internal air rifle range.

Buildings 12 - 16 (former police houses and interview rooms on the north side of the site): Staff accommodation.

- 1.3 The application seeks to allow alterations to the building in order to facilitate the use of the building as a residential training facility.
- 1.4 The test for whether listed building consent is required is that the building must either be listed in its own right or constitute a curtilage structure, meaning it must stand within the curtilage of the listed building and pre-date July 1948, and which may potentially be considered listed. The following buildings are therefore excluded:
  - Building 3: constructed in the 1950s;
  - Building 4: a modern building to rear of the site; and
  - Buildings 10 to 16: modern buildings
- 1.5 Small scale internal alterations are proposed to the first floor of the main Hall building (Building 1), where lightweight, removable partitions will be installed in order to facilitate the formation of toilet and shower cubicles. The windows to these spaces would be obscure glazed in order to ensure privacy but also to obscure the appearance of the partition wall where it coincides with the position of the window. Three windows to the south elevation, five windows to the rear (west elevation) and six windows to the northern end of the front elevation of the main Hall (Building 1). No other significant alterations are proposed, which impact on the significance of the listed building.
- 1.6 The Main Hall (Building 1) would continue to be the main focal point of the site including kitchen/dining area and reception/lounges on the ground floor and accommodation on the upper floors.
- 1.7 The dormitory block attached to the Main Hall (Building 2a) would be converted into accommodation. This would require internal reconfiguration with no requirement to create additional windows. Other minor alterations are required to allow windows to be opened within the modern extensions, none of which are considered to require Listed Building Consent.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 05/00563/LBC – Disabled access; Granted 28 April 2005.
- 2.2 17/01285/FUL - Change of use to a residential training centre (Class C2), incorporating up to 550 guest bed spaces and staff accommodation; Pending consideration.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP28 – Conservation  
Development Policies DP32 - General design

#### **4.0 CONSULTATIONS**

- 4.1 Newby Wiske Parish Council – Objects; the use of frosted glass is inappropriate for the building.
- 4.2 Warlaby Parish Meeting – Considers the proposed development to be a misuse of the listed buildings.
- 4.3 Historic England – No comments.
- 4.4 Public comments - 70 objections have been received, of which a significant number cite this application for listed building consent but make no comment in relation to heritage matters. Comments that relate to heritage matters the subject of this listed building application are summarised below:
- Inappropriate use of the listed buildings;
  - Proposed alterations fail to protect the heritage of the building;
  - No visual changes should be made as the building is listed;
  - The proposed high levels of occupancy are too great for this listed building;
  - External alterations will be obvious and immediately apparent;
  - Internal changes are of convenience to the applicant and not a necessity;
  - These minor alterations proposed will be a prelude to more extensive changes;
  - This development will result in further deterioration of the buildings;
  - The only changes that should be allowed are to facilitate the restoration of damage affected by North Yorkshire Police;
  - Alterations will impact on the cultural significance of the building;
  - Residential use of this former house is inappropriate; and
  - These alterations are not necessary if the main application is not granted planning permission.

#### **5.0 OBSERVATIONS**

- 5.1 This application is only concerned with the potential impact of the physical alterations to buildings protected by the listing designation and does not examine the impacts of new structures within the site, or the principle of the change of use, which are considered under application 17/01285/FUL.
- 5.2 The main issue to consider is the impact of the proposed works on the significance of the Listed Building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. In order to do this it is necessary to (i) identify the heritage asset; and (ii) consider the potential impact on it.

##### Identifying the heritage asset

- 5.3 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.”
- 5.4 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.

- 5.5 Policy DP28 states that the conservation of historic heritage will be ensured by (amongst other things) preserving and enhancing listed buildings and that development within or affecting a heritage feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance, in accordance with the national legislation that designates the feature.
- 5.6 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposed changes to the buildings should therefore be considered in the context of the wider proposal that would ensure the continued occupation and maintenance of the heritage asset.
- 5.7 Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage asset assessed using appropriate expertise where necessary.
- 5.8 The applicant has submitted a detailed Heritage Statement with the application which sets out the historical development of the site and its environs. The statement details the evolution of the Grade II listed Hall (Building 1) and other ancillary buildings within the grounds where they are considered to be listed by virtue of being within the curtilage of the Hall and of sufficient age to constitute curtilage listed buildings.
- 5.9 The Heritage Statement sets out the important historic stages of the development of the Hall which are summarised below:
- Constructed in the late 17th century by William Reveley in 1684. Elements of this building survive today;
  - By 1822 the site was in the ownership of William Rutson, who also acquired much of the local landscape;
  - The main building was re-constructed with added wings, replacement windows and a total renovation of the internal spaces, including the inlay of ornate plaster work, door and window furniture and other decorative features. Clay for this work was taken from a nearby clay pit which then became the ornamental pond;
  - In 1921 the property was sold to Albert Ernest Doxford and the building underwent an extensive renovation programme and electricity and central heating were also installed.
  - The estate was subsequently bought by the government in 1949 and it became a police training college in 1954;
  - Prisoners from Northallerton jail worked on the parkland, forming the playing fields;
  - Following occupancy of the site by North Yorkshire Police in 1977 alterations took place including the installation of suspended ceilings, partitions and the restoration of original door and window casements, fire places, panelling and plaster work; and
  - Through subsequent years a number of significant additions were made to the rear of the main hall which was designated a Listed Building in 1985.
- 5.10 The Heritage Statement is considered to have fulfilled the requirements of the NPPF in terms of the identification of the heritage asset.

### The potential impact on the heritage asset

- 5.11 The proposed alterations to the modern elements of the buildings are minor and are considered to have no impact on the significance of the heritage asset in terms of the historic fabric, character or appearance of the Hall.
- 5.12 The internal arrangements within the main Hall (Building 1) seek to create sub-divisions within the Hall in order to facilitate toilet and shower facilities. These sub-divisions would coincide in a number of cases with the position of external window openings and as such could be detected from outside the building. This needs to be considered in terms of the appearance of the building and in terms of its fabric.
- 5.13 The alterations to the external appearance of the main Hall (Building 1) comprise three windows to the south elevation, five windows to the rear (west elevation) and six windows to the north end of the front elevation of the Hall.
- 5.14 It is now intended to carry out this alteration by way of obscure film, thereby preserving any historic fabric and limiting the impact on the appearance of the building. None of these openings would be physically blocked up as a result of the proposals.
- 5.15 The reason for the obscure glazing of these windows is to provide privacy and to ensure that the new internal partitions are not visible from outside the building.
- 5.16 It is arguable as to whether or not the opaque film would require Listed Building Consent as it would not normally, in itself, be considered to be development. The alteration would not be readily discernible from outside the building and would have no significant impact on the appearance of the building and it is therefore considered that it would not detract from the significance of the building as a heritage asset.
- 5.17 The internal wall elements are of a lightweight form and could be removed if no longer required. They are considered to be minor and are not considered to harm the heritage significance of the Hall.

### Conclusion

- 5.18 The applicant has identified the significance of the heritage asset and has set out the types of impact that the proposed development could have on that significance. It is concluded that the minor physical alterations proposed would have minimal impact on the significance of the listed buildings (Buildings 1 and 7) and would facilitate a viable future use of the heritage asset. As such there would be no harm that would justify the refusal of listed building consent.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations consent 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. Prior to the installation of any opaque screening to any windows within the proposed development, full details of that screening shall be provided in writing for the approval of the Local Planning Authority. The screening shall only be carried out in accordance with details that have been approved in writing by the Local Planning Authority.
  3. Prior to the installation of any partition walls within the main Hall (Building 1) details of the proposed method of construction and fixing shall be submitted to and approved in

writing by the Local Planning Authority. The partition walls shall then be installed in accordance with the approved details.

4. Prior to the installation of any external render, full details, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The render shall then be completed and maintained in accordance with the approved details.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered, 2039 Location Plan, 2007 Proposed Manor House Elevations, 2005 Manor House Proposed First Floor Plan, 2004 Manor House Proposed Ground Floor Plan, 2024 Building 7 Proposed Plans and Elevations, 2028 B8 and B9 Proposed Plans and Elevations, 2009 Building 2 Proposed Plans, 2026 Building 7 Proposed Elevations; received by Hambleton District Council on 12 June.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Policy DP28.
3. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Policy DP28.
4. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Policy DP28.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP28.

**Parish: Crathorne**  
Ward: Hutton Rudby  
**3**

Committee date: 9 November 2017  
Officer dealing: Mr K Ayrton  
Target date: 10 November 2017

**17/00878/FUL**

**Conversion of farm buildings to commercial use, demolition of former agricultural buildings and construction of six dwellinghouses and associated parking  
At Free House Farm, Land to the rear of Crathorne Arms, Crathorne  
For The Crathorne Estate**

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

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located at the northern end of Crathorne, which is a Secondary Village, located just off the A19. Stockton on Tees is a short distance to the north. Crathorne is an attractive and historic settlement, being very rural in character. This special character is demonstrated particularly within the village Conservation Area, which covers the majority of the village, including the front half of the application site.
- 1.2 The village is defined by two main linear forms of development. There is an arm which extends north to south along the main road, where the application site is located, and a second arm extending to the east. There are some exceptions to the linear form, most notably agricultural farmsteads, which extend back, intruding into the open countryside beyond. Other examples include the farmstead to the north and the church to the east of the village.
- 1.3 The site is just under 1 hectare in size, roughly rectangular in shape, located to the rear of the Crathorne Arms public house and the established line of residential development along the main road. The public house is grade II listed. This listing also covers the traditional farm buildings to the west (curtilage listed). More modern portal framed agricultural buildings are located to the rear. The supporting documents confirm that these buildings are vacant.
- 1.4 The proposed development comprises the following elements:
- Demolition of modern agricultural buildings and removal of hardstanding;
  - Construction of six dwellings: two two-bedroom, three three-bedroom and one four-bedroom;
  - Formation of a new car park with 60 spaces;
  - Conversion of traditional farm buildings to create seven letting bedrooms linked to the public house;
  - New kitchen and dining room linked to the public house;
  - Lettable studio/business space; and
  - Creation of a more formal pub garden and seating area.
- 1.5 The proposed houses are arranged in a courtyard arrangement, with a shared yard to the front of the properties and private gardens to the rear. A 'kink' has been incorporated into the layout, which will obscure the buildings to the rear of the site from view when entering the site and also creates a generous shared courtyard. The proposed layout extends to the west, slightly beyond the existing defined curtilage and the wooded area to the north of the site. The dwellings would take a traditional form, with a relatively contemporary use of materials and fenestration. The scale includes a mix of one and two storeys.

1.6 In order to facilitate the conversion of the traditional farm buildings, some alterations are proposed to the door and window openings. These are more closely considered under application 17/00879/LBC, also on this agenda.

1.7 Access to the site would use the existing access located between the public house and residential properties to the south.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 None.

## **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 CP9 – Affordable 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 DP15 – Promoting and maintaining affordable housing

Development Policy DP28 - Conservation

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

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 – Generally supportive; requests that the following points are considered:

- Care should be taken with the lighting in the car parking area to avoid adverse impacts; and
- Surface water should be carefully considered considering the amount of development proposed.

4.2 Highway Authority – Advice awaited.

4.3 Northumbrian Water – Requests a condition relating to the management of foul and surface water from the development.

4.4 Environmental Health Officer - No objection to the conversion of farm buildings for commercial use but expresses concerns over the construction of six dwellings, which would be in close proximity to the public house (open 11:00 – 00:30 and Friday and Saturday 11:00-01:30) and associated car park. Noise from that enterprise may cause impact on the local amenity for the future occupiers of the proposed dwellings.

Advises that these concerns can be overcome by screening of the pub car park and proposed gardens to reduce noise levels (e.g. use of a close boarded timber fence) and positioning habitable rooms (e.g. living rooms and bedrooms) out of line of sight of the public house and the car park to reduce noise impact.

4.5 Public comments – One expression of support raising the following issues:

- Measures to restrict parking on the landscape area close to the shared boundary;
- The cycle/furniture storage shed should not exceed 6 feet high (the same as the existing boundary fence); and
- Sensitive consideration should be given to the lighting scheme.

## 5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area, including heritage impact; (iii) the impact on the amenity of neighbouring occupiers; (iv) affordable housing; (v) highway safety; and (vi) biodiversity.

### Principle of Development

5.2 The development can be broken down into two elements: residential; and commercial. The settlement of Crathorne does not have any Development Limits. 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. 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 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 Settlement Hierarchy reproduced in the IPG Crathorne 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 residential development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 The commercial development proposed includes letting rooms; the extension to the public house facilities/ and introduction of a business/studio unit. These uses would be delivered through the conversion of the curtilage listed farm buildings.
- 5.7 Policy CP4 sets out exceptions for development beyond the development limits. Criterion (ii) is where the development is necessary to secure the conservation of a feature of acknowledged importance and criterion (iv) states that one of the exceptions for development beyond the development limits will be where development would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy. This is consistent with section 3 of the NPPF, which confirms that local plans should:
- Support the sustainable growth and expansion of all types of business and enterprises in rural areas, both through the conversion of existing buildings and well-designed new buildings;
  - Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside; and
  - Promote the retention and development of local services and community facilities in villages, such as local shops....and public houses.
- 5.8 It can therefore be concluded that the principle of both the residential and commercial development can be supported in this location.

#### Character, appearance and heritage

- 5.9 IPG criterion 2 requires development to be small in scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for six dwellings. However, it is noted that the scheme includes several smaller properties and there is also a significant amount of built form on the site that would be replaced by the development. These factors allow the conclusion to be formed that the scale of development is acceptable in relation to the guidance and the size and form of Crathorne.
- 5.10 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.12 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 Crathorne Conservation Area.
- 5.13 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.”

- 5.14 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.
- 5.15 The application has been supported by a planning statement, heritage statement and design and access statement. The heritage statement has provided a thorough baseline assessment of the site and its context, including the historic evolution of the settlement.
- 5.16 The design and access statement has used the heritage statement to help inform the assessment section. The assessment of the village’s character is succinct and considered accurate. Key points include:
- The historic development of Crathorne village has been predominantly linear with single rows of buildings following two roads with buildings arranged either frontally or side-on. There are notable exceptions to this;
  - The entrance from the main road is narrow and inclined providing a glimpsed view. The traditional buildings are of good quality but substantial areas of roof have been replaced with asbestos;
  - It is stated that the proposed housing has been designed to avoid a typical cul de sac and instead developing the language of the shared yard previously on the site;
  - Developing the courtyard idea, and responding to noise from the A19, the houses are arranged to create private, sheltered courtyard gardens;
  - The design has been developed in response to the existing barns to form one and two storey buildings and a contemporary vernacular language;
  - The kink in the layout removes the back buildings from sight when entering the site and creates a generous shared courtyard; and
  - Spaces are left between buildings to create distance from existing houses and provide views of the landscape beyond.
- 5.17 Landscaping and materials are key to the project. The architect has provided an assessment of local materials and brickwork, which can be introduced into the scheme to provide local distinctiveness.
- 5.18 The approach to the existing barns has been to work with the existing structures and alter as little as possible.
- 5.19 The design approach is considered to be sensitive to the Conservation Area and historic use of the site and has responded well to the site constraints by proposing a high quality design as required by policy DP32. It is recognised that the removal of the more modern farm buildings offers an opportunity to reveal and improve the setting of the curtilage listed farm buildings. The uses proposed for these buildings would make a positive contribution to the rural economy and the use is consistent with their conservation, requiring limited alterations.
- 5.20 Whilst limited, it is noted that there are still some alterations proposed to the listed farm buildings. The submitted heritage statement focuses more on the principle and framework of development as opposed to the detail. It contains no assessment of the more detailed works proposed. Further information was sought under application 17/00879/LBC, also on this agenda, to allow proper assessment of these elements.

- 5.21 Whilst some of the openings would be altered, it is not considered that this would be harmful to the special character of the buildings. This view can be reached because it is evident that the buildings have been altered through their life. There is clear evidence of openings that have been introduced and others blocked up. Importantly the form, scale and appearance of the openings will remain consistent with the history of the buildings. The larger openings introduced to the northern elevation of the two-storey traditional building are well hidden by the woodland to the north. Their impact is therefore limited and not considered to be harmful. The proposed development will ensure the buildings longer term contribution to local character and distinctiveness.
- 5.22 The final matter to be considered in terms of character and appearance is the impact of the development on the surrounding countryside. The proposed layout extends to the west, slightly beyond the defined curtilage and the wooded area to the north of the site. This part of the site would accommodate part of the car park, the garden areas of houses 5 and 6, the footprint of house 5 and part of building 6.
- 5.23 In justifying this extension to the curtilage, the agent has advised that this was taken into consideration at an early stage, with the heritage statement stating that “this will have minimal impact on the setting” and “given the current screening of this by extant buildings, which reduces the contribution it makes to the experience and understanding of the historic village, impact is assessed as moderate, and is therefore less than substantial”.
- 5.24 The size of the car park was queried with the agent and whether there was scope to soften or break up this and improve the relationship with house 6. The architect has advised that it is proposed to use compacted gravel as a surfacing material. One of the reasons for choosing this material is due to its ability to create soft edges as light greenery naturally grows through the least used parts. A landscaping scheme would also introduce trees along the new south wall (within the car park), to help break up the perceived length of the wall and reduce oblique views across the car park from the upper floor of house 6.
- 5.25 The layout would have some impact on the natural environment, with the site projecting into the adjoining field and beyond the existing footprint of development. However the form of the proposed development is such that the buildings will sit within the backdrop of the woodland, with only the gardens and part of the car park extending beyond. The low lying nature of these parts of the development will mean the proposal would not appear unduly intrusive and would respect the open character and appearance of the countryside. This will be further assisted through the use of sensitive boundary treatments and landscaping, which can be secured through condition.

#### Neighbour Amenity

- 5.26 The nearest residential properties are located to the south east of the application site. Proposed ‘House 1’ would be located to the rear of the existing dwellings. The facing (east) elevation would be single storey and sited approximately 21 metres from the rear of the existing property. The relationship would be acceptable and as such accords with Policy DP1.
- 5.27 A letter has been received from the occupant of a neighbouring property in relation to the proposed storage/bike building located to the north of their property, adjacent to the access to the site. They have no objection to this but would wish to see it restricted to 6 foot in height. Restricting the height of the nearest parts of the storage/bike buildings to 6 foot is considered reasonable, given the relationship with their rear garden. A condition can be used to secure full details of these structures.

- 5.28 The environmental health officer has asked that consideration is given to screening the pub car park and proposed gardens to reduce noise levels and positioning habitable rooms (e.g. living rooms and bedrooms) out of line of sight of the public house and the car park to reduce noise impact. This requirement needs to be balanced against other planning considerations such as setting of the listed building and Conservation Area; and relationship with the surrounding built form.
- 5.29 The submitted layout plan shows how the majority of the houses do not have a line of sight to the public house. The majority of bedrooms are located to the rear of the dwellings, away from the principal frontages. There are a small number of bedrooms at first floor level to the front of the houses 2 and 6. However, they are sited over 45 and 98 metres from the public house respectively and do not have a line of sight. The majority of living rooms are sited to the front of houses and these do have a line of sight to the car park, as do bedrooms in houses 2 and 6 (oblique angle). However the proposed layout plan identifies the siting of a high wall (planted) along the southern boundary of the car park, which accords with the environmental health officer's recommendation to screen it.
- 5.30 Overall it is considered that the development will deliver an acceptable level of amenity for the future occupants of the houses as required by Policy DP1; and would not be harmful to the operation of the public house.

#### Affordable Housing

- 5.31 A development of six to ten dwellings in a designated rural area such as this, would normally trigger a requirement for a commuted sum to be made towards the delivery of affordable housing. This requirement is set out in the national Planning Practice Guidance. However national planning policy also provides an incentive for development on sites containing vacant buildings. This is referred to as the 'vacant building credit'.
- 5.32 Where buildings are to be demolished and replaced by new buildings, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings then the Local Planning Authority calculates any affordable housing contribution which will be sought.
- 5.33 In this instance the proposed development includes the demolition and conversion of vacant buildings. The existing floor space exceeds the proposed residential floor space and therefore no affordable housing contribution can be sought.

#### Highways

- 5.34 The Highway Authority's formal advice is awaited although no issues of principle are anticipated.

#### Biodiversity

- 5.35 The NPPF and Development Policy DP31 relate to the conservation and enhancement of the natural environment. Planning permission should not be granted for development which would cause significant harm to sites and habitat for nature conservation, together with species that are protected or under threat.
- 5.36 The application has been accompanied by a bat survey prepared by John Drewett Ecology. At the time of the survey, bat roosts were identified in one of the portal framed agricultural buildings to be demolished. It is therefore recommended that any works would need to be informed by an ecologist and the necessary licenses.

- 5.37 The National Planning Practice Guidance confirms that assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Planning conditions may be appropriate in order to provide for biodiversity management plans where these are needed. In this instance it is considered reasonable to secure the recommendations in the bat survey report and other biodiversity enhancements through a condition requiring the submission and approval of an Ecological Management Plan in order that the site delivers biodiversity enhancements in line with the policy requirements.

## 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 2011, 2012, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2040, 2041, 2042, 2045, 2046, and 2047 received by Hambleton District Council on 20 April 2017 unless otherwise approved in writing by the Local Planning Authority.
  3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. 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 unless agreed otherwise in writing by the Local Planning Authority.
  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. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
  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 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. The development shall not be commenced until an Ecological Management Plan (EMP) has been submitted to, and approved in writing, by the local planning authority. The EMP shall include the recommendations set out in the Bat Survey Report, prepared by John Drewett Ecology (dated 14 October 2015), and received by Hambleton District Council on 20 April 2017.
9. 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.

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) DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
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. 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. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
9. 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.

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

**Parish: Crathorne**  
Ward: Hutton Rudby  
**4**

Committee date: 9 November 2017  
Officer dealing: Mr K Ayrton  
Target date: 10 November 2017

**17/00879/LBC**

**Listed Building Consent for internal and external alterations to traditional farm buildings.**

**At Free House Farm, Land to the rear of Crathorne Arms, Crathorne  
For The Crathorne Estate**

**This application is referred to Planning Committee as the proposal is linked to a separate application (17/00878/FUL) that is a departure from the Development Plan**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located at the northern end of Crathorne, which is a 'Secondary Village', located just off the A19. Stockton on Tees is a short distance to the north. Crathorne is an attractive and historic settlement, being very rural in character. This special character is demonstrated through the conservation area status, which covers the majority of the village, including the front half of the application site.
- 1.2 The village is defined by two main linear forms of development. There is an arm, which extend north to south along the main road, where the application site isolated; and a second arm extending to the east. There are some exceptions to the linear form, most notably agricultural farmsteads, which extend back. Other examples include the farmstead to the north and the church to the east of the village.
- 1.3 The site is just under 1 hectare in size, roughly rectangular in shape, located to the rear of the Crathorne Arms public house and the established line of residential development along the main road. The public house is grade II listed, which also covers the traditional farm buildings to the west (curtilage listed). These buildings are the subject of this application. More modern portal framed agricultural buildings are located to the rear. The supporting documents confirm that these are vacant.
- 1.4 There is a corresponding application for full planning permission to redevelop the site – 17/00878/FUL. The proposed development comprises the following elements:
- (a) Demolition of modern agricultural buildings and removal of hardstanding;
  - (b) Erection of six dwellings;
  - (c) Formation of a new car park with 60 spaces
  - (d) Conversion of traditional farm buildings to create:
  - (e) Seven letting bedrooms linked to the public house;
  - (f) New kitchen and dining room linked to the public house;
  - (g) Lettable studio/business space; and
  - (h) Creation of a more formal pub garden and seating area.
- 1.5 Items (e), (f) and (g) relate to the curtilage listed traditional farm buildings. The works required to these buildings which are the subject of this application for listed building consent include:
- Part removal of ground floor internal wall;
  - Construction of covered timber walkway;
  - Reinstatement of external staircase with balustrade;

- Replacement of windows and doors with solid hardwood windows;
- Blocking up of some openings;
- Creation of new door openings; and
- Re-roofing including a limited number of roof lights

1.6 The application is supported by a Design and Access Statement and Heritage Statement.

## **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 CP16 – Protecting and Enhancing Natural and Man-made Assets

Development Policy DP28 – Conservation

National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

4.1 Parish Council – Generally supportive of the proposed development; requests that the following points are considered:

- Care should be taken with the lighting in the car parking area to avoid adverse impacts; and
- Surface water should be carefully considered considering the amount of development proposed.

4.2 Public Comments – None received.

## **5.0 OBSERVATIONS**

5.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

5.2 The works relate to the traditional farm buildings. These are not listed in their own right, but are considered to be curtilage listed due to the historic and physical relationship with the Grade II listed public house – The Crathorne Arms. The supporting design and access statement sets out how the design approach to the existing barns has been to work with what is found and alter as little as possible.

5.3 The proposed works to the buildings are limited. A single internal wall needs to be altered and the layout of the proposed uses is consistent with the historic use of the barns. Existing openings are used wherever possible. Whilst external alterations are also required, it is accepted that the farm buildings have been continuously adapted over their lifetime. The alterations are a continuation of this, respecting the scale and proportion of existing openings. The re-roofing, which includes the removal of the asbestos roofs, will result in an enhancement.

5.4 The proposed alterations to the listed buildings are not considered to be harmful to the historic significance of the buildings. Indeed the beneficial re-use of the buildings is considered to facilitate the long term protection of the buildings. Any residual harm

resulting from the alterations is considered to be offset by the public benefits of the re-use of the buildings.

## **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 2011, 2012, 2020, 2021, 2040, 2041 and 2042 received by Hambleton District Council on 20 April 2017 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. No development shall take place until a detailed schedule of works and method statement has been submitted to and approved in writing by the Local Planning Authority. This shall include all work required to meet Building Regulations. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To protect the significance of the designated heritage asset. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and development plan policies CP17 and DP28.

This page is intentionally left blank

**Parish: Dalton**  
Ward: Sowerby & Topcliffe  
**5**

Committee date: 9 November 2017  
Officer dealing: Mrs Caroline Strudwick  
Target date: 17 November 2017

**17/01872/OUT**

**Outline application with details of access (all other matters reserved) for a residential development of five dwellings  
At land adjacent Rose Cottage, Pit Ings Lane, Dalton  
For Mrs H Harper**

**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 0.29 hectares site is a green field to the south and east of a dwelling know as Rose Cottage, to the south of the main village. Part of the northern boundary of the site is the development limit line of Dalton, therefore the site is located outside the development limits. The site is not within flood zone 2 or 3.
- 1.2 There is no Conservation Area or designated historic assets within the development limits of Dalton. The locality is predominately residential. There are two former poultry sheds in storage use 200m to the south west, and pig shed 170m to the south east. The site is a grassed paddock, which has mature tree and hedging on all boundaries. The site is slightly sloped, as it falls away gradually from west to east with levels between approximately 28.8m & 26.4m AOD, a difference of 2.4m.
- 1.3 This application seeks permission for outline permission for five dwellings; there is an indicative lay out of the site included within the design and access statement. This shows the site laid out with a private access road, with three dwellings to the north of the access road, and two further dwellings at the most eastern point of the site. Given the size of the site and number of dwellings this would result in a density of approximately 17 dwellings per hectare. The size and scale of the dwellings are not specified all would be market housing units.
- 1.4 The matter for approval at this stage is the principle of residential development on this site. The remaining matters of access, appearance, landscaping, layout and would be for a later application if this is approved. Foul sewage is proposed to be disposed of via main sewer and surface water is proposed to be drained to soakaways.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 00/50323/O - Outline application for the construction of a detached dwelling with domestic garage; Refused 5 January 2001

Land adjacent to Fren Dene and Primrose Hill, to the west of the application site

- 2.2 16/01933/OUT - Application for outline planning permission (considering access only) for proposed residential development comprising five dwellings; Granted 7 December 2016 allowing three years for the submission of all reserved matters for the 5 single storey dwellings. No reserved matters submission has been submitted at the date of this report.
- 2.3 16/00480/OUT - Outline planning permission for 17 dwellinghouses; Refused 9 May 2016. The application was refused due to the location of the site outside

Development Limits, that there was no need to release additional land for housing (there was no housing land supply argument in support of the proposal), matters relating to flood risk with reference to the access that is liable to flood, loss of a greenfield site and best and most versatile agricultural land, potential impact of the neighbouring storage units on residential amenity and the lack of a mechanism to secure affordable housing.

- 2.4 An appeal was dismissed on 5 June 2017. The reason for refusal relating to the loss of agricultural land was, on the basis of further evidence, not pursued. It was agreed that a planning obligation could secure affordable housing provision.
- 2.5 The Inspector found that the Council has a five year land supply, and that the development would not be in accordance with the Interim Policy Guidance (IPG) as the scale of development is greater than the organic or incremental growth the IPG supports; further finding that the development would have a detrimental impact on the character of the wider area. Subject to conditions relating to emergency access routes during a flood event there was found to be no increased risk associated with development of the land and flooding. The Inspector found no conflict between residential development and the storage use on the adjoining land and could foresee no reason for the storage use of the buildings to revert to agricultural use.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 – Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP9 – Development outside Development Limits  
Development Policies DP32 - General design  
Development Policies DP43 – Flooding and floodplains  
Interim Policy Guidance on housing in small settlements  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Objects on the following grounds:
- The access road into the site is narrow and not suitable for two vehicles to pass;
  - There is only one entrance and no emergency exit road from the site;
  - When flooding occurs in the locality, accessing and exiting the site would be a problem;
  - Pit Ings Lane is a narrow road and was possibly not constructed to take the amount of traffic it already does. Emergency vehicles have in the past encountered problems in getting to where they need to be because of parked cars; and
  - Uncertainty where surface water would drain to.
- 4.2 Highway Authority – Notes that the proposed internal road is not to be offered for adoption by the County Council. However, the internal and access roads to must be constructed to highway specification because “where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the

developer under section 106 of the Town and Country Planning Act 1990, which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980." Additionally conditions relating to construction standards and construction site management are recommended.

- 4.3 Environmental Health Officer – raises concern regarding the proximity to agricultural units and the potential for complaint but observes there is no recent history of complaints relating to agricultural activities.
- 4.4 Swale and Ure Internal Drainage Board – Recommended conditions relating to discharge by soakaway.
- 4.5 Yorkshire Water - There is a 250mm combined rising main that runs along the access leading to Pit Ings and notes that it would appear that the pipe will not be affected by the development. Recommends that prior to submission of Reserved Matters, the developer contacts the Yorkshire Water Developer Services Team.
- 4.6 Ministry of Defence Safeguarding – The site occupies the statutory aerodrome height, technical and birdstrike safeguarding zones surrounding RAF Topcliffe, there is no objection to the principle of houses at this location; however the MOD should be consulted at all future applications stages.
- 4.7 Public comments – Six objection have been raised; the main points are:
  - Pit Ings Lane is not a suitable access and can get very congested with parked cars;
  - Access should come directly off Main Street;
  - Dwellings should be single storey only;
  - The service road within the site should be to the north;
  - The main road in Dalton is liable to flooding; and
  - Impact on the privacy of Rose Cottage.

## 5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of housing in this location; (ii) the impact on the character of the area; (iii) the impact on neighbour amenity; (iv) highway safety; (v) potential nuisances arising from adjacent agricultural uses; and (vi) flood risk.

### Principle

- 5.2 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".

- 5.3 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 Dalton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. It is noted that the site is close to other properties within the settlement and close to local facilities and that the access to the site within Development Limits.
- 5.5 Cumulative impact must be considered with respect to the development of this site and the approved for 5 single storey dwellings on land to the west of Primrose Hill (16/01933/OUT). Currently there is no reserved matters application for the other site submitted to the Council, and no timescale for the completion of this development. It is possible that the two sites could be built out at the same time; however there is no certainty of this. If the two were built out at the same time there clearly would be a more significant perceived change in the character of this part of the village, which may not be seen as "small scale and gradual", which is a stated aim of the IPG.
- 5.6 Simultaneous development would also have a greater impact on residential amenity in terms of noise and volume of construction traffic than if the two were built out at different times. However, if the two were built out at the same time it is considered that the period of disruption to residents would be relatively short lived, and it is therefore not considered necessary to phase the building of this scheme to ensure it does not coincide with that at Primrose Hill.
- 5.7 The development of this site and the site at Primrose Hill would add an additional ten houses to the immediate area. However, it is considered that no individual dwelling would be unacceptably impacted by the cumulative effect of both developments. 41 Pit Ings Lane may be the most affected dwelling, however the width of Rose Cottage curtilage, which separates the application site and 41 Pit Ings Lane is 20m and the Primrose Hill site to the north west is separated by the road. Therefore it is considered that the cumulative impact on the amenity of this dwelling is not significantly harmful and the amenity of other surrounding dwellings would be adequately protected.
- 5.8 Currently this site is well landscaped with mature trees and hedgerows. These are important features of the site, and their retention is recommended along with the requirement of a landscaping scheme as part of the Reserved Matters application. The retention and management of the trees and hedges would assist in maintaining that atmosphere of a countryside setting, as well as mitigating the visual impact of the scheme to residents on Pit Ings Lane, the properties to the north east and those accessing the public right of way which runs off Pit Ings Lane south towards Crakehill. Additionally the retention of the hedgerows and trees would maintain the green corridors to the benefit of bio-diversity.
- 5.9 The siting of the proposed dwellings is not for decision at this stage, however, given the location and extent of the site, it is considered that in physical terms a development of 5 houses here would relate well to the existing settlement is small in

scale in the terms of the IPG and could therefore be acceptable in principle, subject to detailed consideration of the design, layout and relationship to neighbouring properties at the reserved matters stage.

#### Character of the area

- 5.10 The area is predominately residential and additional dwellings here would not be incongruous. The site is well screened by the tree and hedges. A public right of way passes the western boundary of the site and would afford views into the site. It is expected that the access point on to the road would require widening and therefore a loss of a portion of the planting and landscaping, however is it considered that this would not have a substantial adverse impact on the open undeveloped character of the area.
- 5.11 The outline indicative plan shows three dwellings in a linear form running west to east at the north of the site, and a further two at the far east of the site. It is acknowledged this is an outline application, with appearance, layout and scale for later reserved matters. Careful consideration must be given to how the space within the plot is used, the positioning of the dwellings and its proximity to the boundaries, as well as to Rose Cottage.
- 5.12 Taking into account that Rose Cottage is a bungalow; and this constitutes an edge of settlement site care needs to be taken regarding the scale and height of the dwellings not to over whelm the adjacent cottage and to respect position of the site. In the absence of further detail, which could be presented in a full planning application, it is considered prudent to restrict the dwellings to single storey at this outline stage.
- 5.13 The size of the dwellings is not set out in the application. In order to meet the needs of the local community, as set out in LDF Policies CP8 and DP13, a condition can be applied to require the resulting dwellings should be in accordance with the latest needs expressed in the Size, Type and Tenure of New Homes Supplementary Planning Document.

#### Neighbour amenity

- 5.14 The proposal includes indicative details of layout; however this detail is not for formal decision. With the external appearance and precise position of windows to be determined at a later date, it is considered that five dwellings here could be designed in a manner to ensure that overlooking and privacy of the neighbouring dwellings would not be adversely affected.

#### Highway safety

- 5.15 The major concern of the comments submitted by members of the public in response to the consultation was the additional strain to be put upon Pit Ings Lane. The Highway Authority raises no objection in principle to the development, subject to the conditions recommended, which includes the provision of tarmac carriageway extending from Pit Ings Lane to the proposed site entrance Pit Ings Lane.
- 5.16 The application form indicates that 20 parking spaces will be created in association with the scheme, which amounts to an average of four spaces per dwelling. It is considered that this generous parking provision will ensure that there is no reason for on street parking on Pit Ings Lane, avoiding any further congestion created by parked cars.
- 5.17 In view of this advice, it is considered that the additional traffic associated with five dwellings would not have a significant impact in terms of highway safety. The access could be accommodated safely within the space. Therefore it is considered that

highway safety on the completion of the development would not be compromised. The impact of construction vehicles, particularly if development on the Primrose Hill site were undertaken simultaneously, can be mitigated by construction management conditions, inevitably some impact would be caused however the impact is not so great to justify refusal of this application.

#### Nuisance

- 5.18 Concern was raised by the Environmental Health Service regarding the proximity of adjacent agricultural units. A separation distance of 400m has been recommended to ensure no impact on future residents arising from the livestock sheds.
- 5.19 There are no dwellings directly between the proposal site and the agricultural units to the south east; however there are dwellings nearer to the units. Environmental Health has no record of any complaints being made in regard to these units.
- 5.20 It is considered that the proximity to the agricultural units will not give rise to an unacceptable level of nuisances as a result of the adjacent agricultural activity.

#### Flood risk

- 5.21 In the consideration of the applications for development of land to the west of Fren Dene the issue of pedestrian access during a flood event. This was necessary due to the known flood problems on Main Street that would prevent safe access from Main Street via Pit Ings Lane. A condition has been imposed previously to require details of an emergency pedestrian access route during flood events. Since the December 2016 approval works have advanced to form a new bridge to achieve all-weather access to Dalton Airfield and will also assist with access to the village of Dalton during flood events. It is considered appropriate to impose a condition on this scheme to require a pedestrian access route to be approved.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. 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 5 dwellings.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 3757-PD-00 A received by Hambleton District Council on 24th August 2017 unless otherwise approved in writing by the Local Planning Authority.
  3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing: (i) the proposed highway layout including the highway boundary; (ii) dimensions of any carriageway, cycleway, footway, and verges; (iii) visibility splays; (iv) the proposed buildings and site layout, including levels; (v) accesses and driveways; (vi) drainage and sewerage system; (vii) lining and signing; (viii) traffic

calming measures; and (ix) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths or when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (ii) kerb and edging construction details; and (iii) typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

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 in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: (a) Provision of tarmac carriageway extending from Pit Ings Lane to the proposed site entrance; and (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
5. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; and (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
6. Percolation tests must be undertaken prior to ground work commencing to establish if the ground conditions are suitable for soakaway drainage throughout the year. The results of which are to be submitted to the Local Authority. If surface water is only to be directed to a mains sewer system providing that the Water Authority are satisfied that the existing system will accept this additional flow.
7. The size of dwellings in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure of new homes SPD.
8. No development shall be commenced until such time as an emergency pedestrian access route allowing access away from known flooding areas has been submitted to and agreed by the Local Planning Authority. The emergency pedestrian access route shall be thereafter retained and made available for users of the development in times of flooding.

The reasons for the above conditions are:

1. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1 and CP16.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. In accordance with Local Development Framework CP21 and DP43
7. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with LDF Policy DP13 and the Size, Type and Tenure SPD.
8. To ensure that residents are not put at risk from flooding and to ensure that emergency services can access the site and residents in times of flooding.

### **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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No

obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

4. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

This page is intentionally left blank

**Parish: Danby Wiske with Lazenby**  
Ward: Morton on Swale  
**6**

Committee date: 9 November 2017  
Officer dealing: Mrs H Laws  
Target date: 17 November 2017

**17/01066/FUL**

**Demolition of dwelling and construction of replacement dwelling and change of use of agricultural land to domestic  
At Ashwood, Danby Wiske  
For Mr & Mrs Aldridge**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies in the southern half of the village on the eastern side of the village street, Mounstrall Lane. The existing dwelling known as Ashwood is a single storey bungalow, which lies on the street frontage. To the north of the bungalow are dwellings that front onto the village green; to the south lies the village hall and bungalows and dormer bungalows continue the building line southwards to the end of the village on this side of the road. A paddock area lies to the east of the curtilage of Ashwood, which bounds the neighbouring property Tolbert House to the north and the village hall and Allandale to the west. A timber stable block lies along the eastern boundary of the paddock.
- 1.2 Walls and fencing provide the boundary along the northern side of the paddock; a timber fence lies along the southern and western boundaries of the paddock, and fencing and hedging form the eastern boundary with the agricultural land beyond.
- 1.3 It is proposed to demolish and remove the existing bungalow and construct a two storey dwelling on land that falls partly within the existing curtilage and partly within the paddock. As such the development would be set back behind the footprint of the bungalow. The dwelling would be a three bedroom property with an integral double garage protruding from the frontage at right angles with first floor accommodation above. Accommodation would also be provided within the roofspace at second floor level. A single storey lean to section lies along the rear elevation, part of which provides a terrace. The lean to section continues around the south elevation to provide a utility room.
- 1.4 The dwelling would be finished in brickwork with dressed sandstone to the rear and a slate roof. Amended plans have been received, which alter the design of the dwelling to remove a two storey flat roofed section and large area of terrace on the rear elevation.
- 1.5 Access to the dwelling would remain as existing. The frontage onto the street has a length of approximately 11m. Parking and turning would be provided at the front of the property.
- 1.6 The proposed development includes a detailed landscaping scheme for the paddock to the rear whose use would be incorporated into the domestic curtilage of the proposed dwelling. It is proposed to construct a timber clad potting shed, garden store and greenhouse in the north eastern corner of the paddock.
- 1.7 Part of the paddock lies within flood zones 2 and 3; the position of the proposed dwelling would lie within flood zone 1, which is the area of least risk.

- 1.8 The ground level of the proposed site lies slightly lower than that of the existing bungalow; it is proposed to raise the floor level of the dwelling 400mm above the existing ground level.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/91/038/0048B – Outline application for the construction of a bungalow and detached garage. Permission refused 10 January 1992 on the grounds that (i) a dwelling on this narrow, restricted site would be detrimental to the amenity of adjoining residential property by reason of loss of privacy and general disturbance; and (ii) a dwelling would prove detrimental to the amenities of future occupants due to the proximity of the adjoining Village Hall Car Park by reason of noise, vehicle movements and general activity associated with the use of the car park.

An appeal against this decision was allowed in 1992.

- 2.2 2/92/038/0048C – Details of the construction of a detached dwellinghouse; Refused 12 November 1992 on the ground that the development would be detrimental to the amenities of adjoining properties due to the juxtaposition and overall height of the new dwelling in relation to the existing dwellings.
- 2.3 2/93/038/0048D – Details of the construction of a detached dwelling; Granted 25 June 1993.

## **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 DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 – Landscaping  
Development Policies DP43 – Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – Objects for the following reasons:
- Previous refusals of dwelling of more than one storey on the Ashwood site;
  - The supply of bungalows in the area is small and should increase, not decrease;
  - The proposed ridge height is approximately twice that of the existing dwelling;
  - The proposed dwelling is entirely outside the building line on Mountstrall Lane;
  - The size and design of the proposed house is out of keeping with every other dwelling in the village;
  - The design is extremely intrusive and would dominate the community;

- The proposed building is in visual proximity to the grade 2 listed Manor House and Lazenby Hall as well as the grade 1 listed Parish Church;
- Flooding history of the agricultural land forming the application site;
- It is noted that the proposed dwelling has been raised to alleviate its risk of flooding which will increase the likelihood of flooding for all other neighbouring dwellings;
- The sewage system in the village is already overloaded and the properties on this side of Mountsrall Lane have regularly experienced back flows of sewage, the proposed scale and position of this dwelling can only exacerbate the problem;
- The proposed dwelling would be on the site of the foundations of the abandoned village of Danby Wiske which will be disturbed by any excavation. The site would also be in close proximity to the scheduled ancient monument of the lost village of Lazenby;
- The proposed dwelling is virtually touching the boundary of the village hall.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environment Agency – No comment.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Environmental Health Officer - No objection.

4.6 HDC Corporate Facilities Manager (flood risk) - The principle of development is established on this site, the existing property is a single storey bungalow. The proposed development is a two storey dwelling with flood resilience and resistance measures incorporated within the construction. The existing dwelling is located on the higher ground on the site, the applicant has provided information with flooding to a level of 34.8; the applicant has described the flooding as a flash flood of a one-off nature caused by surface water flows from the west. This flood cannot be ignored as it happened and cannot be dismissed as a one-off event. Current understanding of climate change is that weather patterns will change to become more extreme with peak rainfall intensity increasing and the risk of flooding increasing, the long term outlook is that Flood Zone 2 medium risk areas will become Flood Zone 3 high risk areas.

The applicants' proposal will locate the new development on ground with levels 35.0 - 34.5. I can see the benefits of a new development with increased resistance and resilience to flooding and a second storey which will provide a safe refuge in the event of an extreme flood event. The existing single storey dwelling is potentially more vulnerable in a flood event both to the occupants and the building fabric.

The proposed development is located in the Environment Agency's mapped Flood Zone one, though there is evidence to show that a historic flood event has extended beyond the mapped Flood Zone 2 and 3 events and this cannot be ignored. Under the Environment Agency's standing advice compensatory storage should be provided where a development is constructed in Flood Zone 3, this is to prevent an increase in flood risk elsewhere. In this this instance the development is in Flood Zone 1, so there is no requirement to provide compensatory storage.

The EA guidance on floor levels to provide flood resilience is that it should be at least 300mm above the general site level or 600mm above the recorded flood level. In this instance the best estimate of flood level is 34.80m so this is to be used to inform the finished floor level.

On balance I think there are benefits to redevelopment of the dwelling to incorporate a second storey and that improves its resistance and resilience to flooding.

4.7 Public comments – objections have been received from six local residents whose comments are summarised as follows:

- No objection in principal to the demolition and redevelopment of the existing site;
- The ridge line of the proposed dwelling is almost 10m, approximately 5 - 5.5m above that of the existing bungalow;
- The ridge of the proposal would be approximately 4 - 5m above all the adjacent properties and therefore out of character;
- The proposed dwelling would be set back in the site and significantly out of line with the established building line of nearby dwellings;
- Overlooking of adjacent gardens and into windows, loss of privacy;
- The site has flooded on more than one occasion in the last 10 years from both the overflow of the Wiske and from the public sewer located in the front street;
- The house has not been sympathetically designed and is out of character with the rest of the properties in the vicinity;
- The proposed three-storey building will dominate all that surrounds it, including the Church;
- The building increases from 110 sq. metres to 400 sq. metres;
- Permission was refused for a two storey house due to a loss of privacy to adjacent houses before permission was granted for a bungalow;
- The location plan is out of date and does not show the neighbouring properties following extension;
- The submitted photos are misleading;
- The proposed house design is inappropriate for the village;
- The development will increase flood risk for neighbouring properties, especially The Seasons, Allandale and Yarrow Cottage; and
- Two large properties in Danby Wiske have been on the market for some time. With the current demographic and ageing population, bungalows are a precious and popular commodity with a limited and diminishing supply.

Comments in support of the proposed development have been received from a neighbouring resident and are summarised as follows:

- Tolbert House and Hilditch House both exceed the height of nearby bungalows. It could be argued that neither of these houses should have been built and the house style was not in keeping with the rest of the village;
- Instead Hilditch House has no view other than a bungalow roof and garage immediately over the garden wall. There is no gap between the garage and the wall; and
- Appropriate flooding precautions can be secured if permission is granted.

## 5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of a replacement dwelling in this location; (ii) the siting of the proposed dwelling; (iii) the design of the proposed dwelling; (iv) the effect of the development on the amenity of neighbouring residents; (v) flooding; (vi) heritage assets; and (vii) highway matters.

### Principle

5.2 The village of Danby Wiske is defined within the 2014 Settlement Hierarchy as an Other Settlement. There are no Development Limits within the village.

- 5.3 LDF Policy DP9 supports the replacement of a building outside of Development Limits where the replacement “would achieve a more acceptable and sustainable development than would be achieved by conversion”. The existing bungalow is not structurally unsound and could be retained but it requires renovation and is not considered to be an energy efficient property. The bungalow is not of architectural or historic merit and there are no objections to its replacement with a suitably designed dwelling. A sustainability statement has been submitted with the application, which concludes that the proposed replacement would be built to a high level of sustainability and efficiency. It is considered that the proposed replacement would be a more sustainable alternative to the redevelopment of the existing bungalow.
- 5.4 The replacement dwelling is therefore considered acceptable in principle.

#### Siting of the proposed dwelling

- 5.5 The existing frontage onto the street is quite narrow, which restricts the size of property on the site and has influenced the existing position of Ashwood. The application site is a large plot and is capable of accommodating a dwelling of the size proposed. The proposed replacement has been set back further within the site encroaching onto the adjacent paddock, and although this does not reflect the existing form of the village to the south, it is not dissimilar to other examples of development within the village, for example, Manor House Farm on the opposite side of the road. The eastern boundary of the proposed garden would follow the line of the neighbouring garden of Tolbert House to the north.
- 5.6 In terms of character and relationship, the existing paddock forms part of the village rather than the adjacent countryside and therefore the construction of a dwelling on part of this land would have a minimal impact on the rural landscape.

#### Scale and Design

- 5.7 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.8 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.9 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 The dwellings along the eastern side of Mounstrall Lane are generally single storey; the houses on the western side are set at a higher ground level and are generally two storey. The village hall separates Ashwood from the other bungalows along this row. Beyond Ashwood to the north, there are three, two storey dwellings, which immediately adjoin the application site. The principle of replacing the bungalow with a two storey dwelling is acceptable but it is important that the effect of the proposed replacement on the appearance of the streetscene and the amenity of adjacent residents is addressed to ensure the alternative siting and greater scale is acceptable in this position.

- 5.11 The submitted planning statement notes that the design has focused on the massing of the dwelling within the street scene and its orientation to take account of neighbouring property. The proposed replacement is a much larger dwelling than the existing but setting the development further back into the site would reduce its dominance. Although the ground level of the proposed dwelling would be raised 400mm above the existing ground level, the existing neighbouring houses are set 700mm higher than the existing dwelling at Ashwood. The dwelling would be taller than some adjacent properties such as the village hall but due to its position would not be unduly prominent and not out of keeping with the existing character of the village with its different styles and heights.
- 5.12 The proposed design is an opportunity to improve the character and appearance of the site by replacing a bungalow of limited architectural merit with a dwelling of a design that addresses the characteristics of the site and the surrounding area. Alternative options of a more contemporary design have been considered by the applicant but the scheme as proposed has been chosen. The proposal is for a traditional style of dwelling to the front elevation with a more contemporary design for the rear elevation. This would reduce the dominance of the dwelling from public viewpoints to the north east of the site and from neighbouring properties.
- 5.13 High quality natural materials are proposed, which would ensure that the development contributes positively to the appearance of the site. It is considered that the proposed development would comply with LDF Policies CP17 and DP32 and provide a high quality development that respects the local context.

#### Amenity of local residents

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling is set back behind the existing building line of the property, which would result in a greater separation distance between some of the existing neighbouring properties to the north than currently exists. The proposed dwelling would lie in closer proximity to its neighbours at Allandale and Tolbert House.
- 5.15 Consideration has been given to the separation distances between the proposed dwelling and its neighbours to the north at Hilditch House and Tolbert House and to the south towards Allandale, an existing bungalow. The distance between the side elevation of the proposed dwelling and the side elevation of Tolbert House to the north would be approximately 23m. There would be no overbearing impact at such a distance and the window at first floor in the side elevation of the proposed dwelling would be obscure glazed therefore causing no loss of privacy.
- 5.16 The neighbouring bungalow at Allandale lies on the southern side of the village hall. The proposed dwelling would be constructed partly to the rear of the village hall and adjacent to the northern boundary of Allandale's rear garden. The closest part of the proposed dwelling, which is single storey, lies at a distance of 9m from the boundary. The closest two storey section lies 11m from the boundary; the closest first floor window lies at a distance of 14m from the boundary (almost 30m from the rear elevation of the bungalow). It is considered that the proposed development is sufficiently separated from the boundary of Allandale and from the bungalow itself for it not to have an overbearing impact and for it not to have an adverse impact on privacy. In addition the proposed dwelling lies to the north and therefore the taller dwelling would not impact on sunlight into the garden or property of Allandale.
- 5.17 The proposed development would not impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

### Flood risk

- 5.18 The site of the proposed dwelling lies within Flood Zone 1, which is the area of least risk. Evidence of a flood event has been received, which illustrates flood water on part of the footprint of the proposed dwelling. Notwithstanding the zoning, consideration must therefore be given to the implications of the land flooding again.
- 5.19 The existing dwelling, being single storey, has poor resilience in the event of flooding, but the footprint of the bungalow is outside the area where it has been shown to flood. Flood water has occurred on part of the footprint of the proposed dwelling. A balance needs to be made between the resilience of the proposed two storey property to cope in the event of a flood, against the non-resilience of the existing property, which has no history of flooding.
- 5.20 On balance, although the site of the proposed dwelling lies within Flood Zone 1, there is evidence of flooding and therefore a likelihood of reoccurrence. The proposed dwelling would be more flood resilient than the existing one through the inclusion of upper floors, which would provide safe refuge if required. It is considered therefore that this would improve the current situation where there is a single storey property, which is outside of but close to the evidential flood area where there would be minimal resilience and no safe refuge for occupants or their possessions in the event of flooding.
- 5.21 It is not anticipated that the construction of a dwelling in this position would increase flood risk elsewhere due to the small amount of land affected.

### Heritage assets

- 5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.23 The application site lies more than 50m from the nearest listed building, which is The Manor House and more than 150m from the boundary of the grade I listed Parish Church. The proposed dwelling would not be viewed within the immediate context of either of these properties and although the views of the Church may be affected from existing private residences this would not have a detrimental impact on the historic or architectural importance of the listed building.

### Highway matters

- 5.24 The highway implications of a one-for-one replacement are limited. The Highway Authority has no objections and recommends the imposition of 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. 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. The window at first floor level on the north elevation of the dwelling (serving the fire escape staircase) shall at all times be glazed with obscured glass.
5. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the Landscape Masterplan drawing number L2.438.1 Rev. 1 received by Hambleton District Council on 16 August 2017 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. The development hereby approved shall not be undertaken other than in accordance with Drawing number HDC/3104/09B that shows the finished floor level of the development at 35.55, 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 approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3104/07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of 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.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:  
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.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3104/03; 04J; 05J; 06; 07; 09B; and L2.438.1 Rev. 1 received by Hambleton District Council on 12 May, 16 August and 31 October 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. To protect the amenity of nearby residents in accordance with LDF Policy DP1.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
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. 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.
8. 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.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

#### Informatives

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

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

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

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

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

This page is intentionally left blank

**Parish: Easingwold**  
**Ward: Easingwold**  
**7**

Committee date: 9 November 2017  
Officer dealing: Mrs C Strudwick  
Target date: 16 November 2017

**17/01427/FUL**

**Demolition of existing buildings and replace with two pairs of semi-detached dormer bungalows with car parking and landscaping**  
**At Former Hambleton District Council Depot, Stillington Road, Easingwold**  
**For CFK Developments (Easingwold) Ltd**

**This application is referred to Planning Committee as the Council has an interest in the application site in the form of a private right of way crossing it**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies on the northern side of Stillington Road, within the Development Limits of Easingwold and is an area of 1800 sq. m of brownfield industrial land. The site's last use was as a maintenance depot operated by the Council and the redundant buildings are still on site. It is bounded to the west by retirement apartments and to the east by bungalows fronting Leasmires Avenue. Bounded to the north and south by land that has planning permission for housing. Building work has commenced and is nearer completion on the land to the south. This piece of land is now surrounded by residential use or approval for residential use.
- 1.2 This application seeks permission for the demolition of all the redundant industrial buildings on site and the construction of two pairs of semi-detached dormer bungalows. A right of way passes through the middle of the site to allow access to the site to the north. The layout incorporates this right of way by placing a set of bungalows either side of the right of way. Each bungalow is provided with two parking spaces and amenity outdoor space. The route of the right of way to the west is shown to be incorporated in to garden space of the plot 1.
- 1.3 Plots 1 and 2 are positioned to the north west of the right of way, the floor space is 93 sq.m. The amended plans show two double bedrooms and one single bedroom, this size meets with the Nationally Described Space Standards. They are to be finished in a rustic red/brown facing brick, with orange/red double roman interlocking concrete tiles.
- 1.4 Plots 3 and 4 are positioned to the east of the right of way; the floor space is 104 sq.m, which also meets with the Nationally Described Space Standards. They are to be finished in a rustic red/brown facing brick, with orange/red double roman interlocking concrete tiles.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 11/02245/FUL - Construction of five dwellings, a retail food store (class A1) with associated parking, servicing and landscaping; Appeal against non-determination withdrawn 22 March 2012.
- 2.2 14/02506/DPN - Application for prior notification of proposed demolition of warehouses; Granted 30 January 2015.
- 2.3 16/01785/OUT - Outline application with details of access and layout (all other matters reserved) for construction of three dwellinghouses and two bungalows; Refused 10 March 2017.

- 2.4 17/00007/CLE - Certificate of Lawfulness (Existing) for two light industrial units and external storage areas for maintenance repair and storage. Undetermined, held in abeyance pending determination of the current application 17/01427/FUL.

The following applications relate to adjacent land:

To the west

- 2.5 14/01120/FUL - Demolition of building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking; Granted 23 January 2015.
- 2.6 15/01500/FUL - Revised application for the demolition of existing building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking (reduction in car parking spaces from 36 to 35); Granted 17 September 2015.

To the north

- 2.7 15/02638/OUT - Outline application for construction of four dwellings; Granted 5 May 2016. No reserved matters submission has been made.
- 2.8 17/01688/DPN - Prior notification of proposed demolition of a garage building; Granted 3 October 2017

To the south

- 2.9 16/02541/FUL - Demolition of building and construction of 8 apartments with associated external works; Granted 13 February 2017. Construction works nearing completion.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP13 - Market towns regeneration  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP17 - Retention of employment sites  
Development Policies DP32 - General design  
National Planning Policy Framework  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection subject to a condition to secure a construction method statement.
- 4.3 Yorkshire Water – No comment.
- 4.4 Environmental Health Officer – No objection.

- 4.4 Public comments – One comment of support has been received from the developer of the neighbouring site.

One comment of objection notes that the site was supposed to be for light industry. Noting that no jobs arise from the development, that the town has too few jobs and too little industry, insufficient infrastructure (lacking a swimming pool and petrol filling station) and questioning whether more houses are needed.

## 5.0 OBSERVATIONS

- 5.1 The main issues to be considered include (i) the principle of residential use; (ii) loss of employment land (iii) the layout of the site; (iv) the impact on residential amenity; and (v) highway matters.

### Principle

- 5.2 The site is within the Development Limits of Easingwold, a Service Centre defined in the LDF Core Strategy, and therefore it is a sustainable location for housing. The LDF seeks to concentrate residential development in the Market Towns (policy CP6). The principle of residential use of the site is therefore supported.

### Loss of employment land

- 5.3 The site has an uncertain history; an application for a Certificate of Lawful Use and Development relating to the two light industrial units and external storage areas for maintenance repair and storage remains undetermined. It has not been possible to establish the type and extent of the use. However, the buildings have an appearance that would support some form of maintenance depot use, but that use has ceased.
- 5.4 LDF Policy DP17 sets out that sites and premises will be safeguarded for employment purposes. Further that permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted. Prior to the redevelopment of the land to the west and south that area had a primary purpose for employment and infrastructure use (fire station). However following the development of these sites the area (the application site and the adjoining land) no longer has a primary purpose for employment. Indeed the area is dominated by residential uses. It is arguable therefore that the proposal does not need to meet the policy DP17. Additionally the removal of a maintenance depot use in a residential area could prevent amenity problems, such a noise or odours from occurring and provide an enhance to the residential environment.

### Layout of the site

- 5.5 The site is constrained by the private rights of way which pass through the middle and west of the site, running from the south of the site, giving access to the site to the north. These rights of way must be kept clear of development and so the layout has been designed around them. As a consequence of these rights of way the layout of the site is constrained, however the submitted layout of the site accommodates four units achieving an acceptable overall density (20 dwellings per hectare) and adequate outdoor amenity space and parking provision.
- 5.6 The layout of the site shows a band of trees on the western boundary and on the southern boundary. These do not exist currently, and the landscaping could be extended to include some planting on the northern boundary. It is recommended that a condition is placed on any consent to ensure that this landscaping is carried out as this will help soften the development and establish some screening for future residents of this scheme, and surrounding residents of existing homes.

### Amenity

- 5.7 The site to the north of this has the benefit of planning permission for four bungalows (15/02638/OUT) and the site to the south for eight apartments (16/02541/FUL). It was deemed as part of this application that there would be no loss of amenity to future residents of the developments to the north and south as a result of being adjacent to this site, formally used as a depot. As noted above the removal of the depot use could enhance the residential environment. The principle of residential development in this area has been established through the permission to the north (15/02638/OUT), to the west (15/01500/FUL) and to the south (16/02541/FUL), each granted since the adoption of the LDF and NPPF.
- 5.8 There has been extensive discussion with the agent regarding the floor areas of the dwellings. The dormer bungalows are proposed as three-bedroom dwellings, with floor spaces of either 93 or 104 sq.m. These sizes meet the minimal Nationally Described Space Standards which are incorporated into the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes. Accordingly the scheme complies with LDF policies CP1 and DP1.
- 5.9 The previous scheme on this site was refused in part due to the undersized nature of the dwellings. The applicant has clearly taken that issue on board in the design of the current proposal.
- 5.10 Due to separation distances between the proposed development and neighbouring dwellings there is unlikely to be any significant loss of amenity or privacy to warrant refusal of the application. Plot four would sit approximately 1.8m from the boundary of 9 Leasmires Avenue. There are no windows proposed on the second floor of the side elevation facing onto Leasmires Avenue and given this, the orientation and the bungalow height of the dwellings, it is not expected that there would be an unacceptable loss of residential amenity as a result of the positioning of this dwelling or the other dwellings on site. It is considered that the scheme is compliant with LDF Policy DP1.
- 5.11 The design of the buildings include roof lights to the rear roof slope, avoiding the use of dormer windows which would impact on the amenity of any future residents of the site to the north. It is recommended that a condition is imposed on any consent removing permitted development rights for modification of the roof without prior consent from the local authority.

### Highway matters

- 5.12 Sufficient parking spaces are provided for the four dwellings and an electric vehicle charging point. The Highway Authority has no objection to the scheme subject to appropriate 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 1890/100/B, 103/A, 104/C and 101/B and

102/C received by Hambleton District Council on 20<sup>th</sup> and 30<sup>th</sup> October 2017 unless otherwise approved in writing by the Local Planning Authority.

3. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
7. 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 6 above.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP16, DP28, CP17 and DP32.
3. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32.
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.
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

6. To ensure that the rate and volume of surface water drained via main sewer from the site will avoid, so far as is reasonably achievable, the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.

**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**8**

Committee date: 9 November 2017  
Officer dealing: Mr K Ayrton  
Target date: 10 November 2017

**17/01521/FUL**

**Construction of one detached dwelling with integral garage  
At land adjacent Cat and Bagpipes Inn, East Harlsey  
For TSJ Developments Ltd.**

**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 on the western edge of East Harlsey, adjacent to the Cat and Bagpipes public house. It fronts onto a north south through-road and opposite the junction with the main street that passes through the village. There are a variety of buildings styles and forms in the vicinity of the application site.
- 1.2 The two storey public house is constructed of brick with a distinctive plain tiled, hipped roof with dormers. It is set back from the road with a car park to the front which is partially cobbled. To the rear facade of the pub is a first floor conservatory sited on top of a single storey flat roof addition.
- 1.3 To the north of the site, Baildon is a large detached house constructed of brown brick. The house is off-set from the boundary by approximately 13m, and has windows facing the site. There are further, modern detached properties that extend north along the road frontage.
- 1.4 A public right of way enters the site from the north east corner, and then runs along the outside of the north boundary, between the site and Baildon, where it is partially enclosed by fencing.
- 1.5 Opposite the site, the village road is lined by houses of a variety of styles, but generally of a more traditional character.
- 1.6 Outline planning permission was previously granted in November 2015 for the construction of a single detached dwelling on the site.
- 1.7 The application is for full planning permission for a single dwelling finished in red, reclaimed brickwork under a red lay tiled roof. The application proposes a four bedroom house, with the fourth bedroom within the roof-space serviced by a dormer window to the rear elevation.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/91/043/0073 - Outline application for the construction of a dwellinghouse; Granted 2 April 1991.
- 2.2 2/96/043/0073B - Renewal of consent for a dwelling; Granted 27 November 1996.
- 2.3 15/01838/OUT – Outline application for a single detached dwelling with all matters reserved; Granted 13 November 2015.
- 2.4 16/02000/FUL - One pair of semi-detached dwellings with integral garages and vehicle access; Withdrawn 17 July 2017.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Core Policy CP2 - Access  
Core Policy CP4 - Settlement hierarchy  
Core Policy CP16 – Protecting and enhancing natural and man-made assets  
Core Policy CP17 – Promote high quality design  
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 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 – Supports the principle of development. Considers the site is capable of enhancing this part of the village but remains concerned over the impact on highway safety and on the public right of way that passes through the site.
- 4.2 Highway Authority – No objection. Permission has been granted for a single dwelling using the existing access and this application is in line with that. The Highway Authority had recommended refusal of 16/02000/FUL to construct two dwellings with an amended access because of restricted visibility.
- 4.3 Drainage Board – No objection subject to condition
- 4.4 Ramblers Association - No objection subject to the public right of way being kept free of obstacle.
- 4.5 Yorkshire Water - The submitted drainage details are not acceptable as they appear to show foul water being discharged to a dedicated surface water sewer. Development of the site should take place with separate systems for foul and surface water drainage. This can be dealt with separately to the planning system when the developer makes an application for a new connection.
- 4.6 Environmental Health Officer - Recommends that the site is screened from the pub car park and beer garden to reduce noise levels and that habitable rooms be sited to avoid a direct line of site from the public house.
- 4.7 NYCC Public Rights of Way Officer – No objection; suggests an informative is added.
- 4.8 Public comments – One objection received making the following comments:
- The design is at odds with previous discussions in that it sits forward of the public house and will be prominent in the landscape;
  - The public footpath should be fenced off;
  - Access to the war memorial via the public footpath should be retained; and
  - The building that used to be on the site was never used as a garage. Instead it was used as storage. It was also used in association with the public house. The highways impact is unacceptable.

## 5.0 OBSERVATIONS

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

### Principle

- 5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.

- 5.3 Although the proposal is considered to be a departure from the Development Plan, 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 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.

- 5.5 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 East Harlsey 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.

- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale. Outline planning permission has already been granted for a detached dwelling and that permission remains extant, thus three

principle has already been established. This is also relevant in considering the cumulative impact of development within the village.

#### Character and appearance

- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework.
- 5.9 In determining the previous outline planning application, the committee report recognised that the site is a largely unused space and that “overall the development of the site would not be harmful to the historic or built environment”. There have been no material changes in the relevant planning issues since that decision.
- 5.10 In terms of design, policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.11 In this instance the proposed dwelling would be mainly viewed in the context of the public house. The design has introduced elements that are found in the public house, most notably the window detailing, curved brick headers and chimney. The scale of the proposed building is appropriate for a dwelling and the mass would be broken up by varying the ridge height. The overall design is considered to respond positively to its context.
- 5.12 The siting of the dwelling is slightly forward of the public house, albeit a generous setback is still retained from the road frontage to accommodate on-site car parking and manoeuvring. There is no rigid building line in this part of the village and when combined with the separation distance from the public house, the siting is not considered to be harmful.

#### Residential amenity

- 5.13 The main consideration in this regard is in relation to Baildon. This was considered in the determination of the previous outline planning application where it was noted that Baildon is offset, and benefits from an established hedge. The proposed dwelling includes a single small window (to serve an en-suite) on the facing gable end, which would not result in harm to residential amenity.
- 5.14 The relationship with the public house was considered in determining the previous outline planning application, where it was noted that many village pubs have a similar relationship with neighbouring properties. As such the proposed development is not considered to be prejudicial to the existing pub use nor is the existence of the pub considered to be prejudicial to the amenity of the proposed dwelling.

#### Impact on public right of way

- 5.15 There is a public right of way that passes through the site. The Ramblers and the County Council have raised no objection on the basis that public right of way is kept free of obstacles. The proposed site plan confirms it would be retained at a minimum width of 1.8 metres.

#### Highway impact

- 5.16 Outline permission has already been granted for a single dwelling using the access point now proposed. The conclusion was formed that the proposal is capable of

being considered acceptable in highway safety terms, subject to appropriate 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 03, 04, 05, 06, 07 and 08 received by Hambleton District Council on 7 July 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 use of the development hereby approved shall not be commence until the approved foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the approved details (drawing no. 07).5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access 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 existing access shall be improved by reconstructing in accordance with Standard Detail number E6; (b) Provision to prevent surface water from the site discharging onto the existing highway shall be constructed in accordance with the approved details shown on drawing 1637/03 and maintained thereafter to prevent such discharges; and (C) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.
5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 1637/03). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the

construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: 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 DP30.
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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. 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.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

#### Informatives

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.
3. 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](mailto: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.

This page is intentionally left blank

## **17/01624/FUL**

### **Construction of a detached dwelling and detached double garage with storage space at Land and buildings to the rear of Swaledale Court, Morton on Swale for Mr Simon Clayton**

#### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site lies towards the western end of the village to the rear of Swaledale Court, which is a group of converted agricultural buildings, providing a total of four dwellings, a mix of single storey and two storey properties.
- 1.2 The permitted use of the application site is for grazing horses. There is an existing timber building immediately adjacent to the application site, within the ownership of the applicant, the permitted use of which is stables. Morton Hall, to the south west is a grade II listed building which is approximately 28m from the position of the proposed dwelling, on the other side of the stable building, with the more modern residential development of Dales View immediately adjacent to the east and southeast of the application site.
- 1.3 This application seeks planning permission for the construction of a detached two-storey dwelling with three bedrooms with a rectangular footprint of 12.15m x 9m and a ridge height of 8.5m. A detached building is proposed to the rear to be used as a garage at ground floor and storage at first floor with a ridge height of 6.3m. The proposed dwelling would be finished in brick with red clay pantiles and white upvc doors and windows.
- 1.4 Access to the site would be via the private farm track between Swaledale Court and Morton Hall, which is used by the dwellings at Swaledale Court and Morton Hall with the proposed driveway accessing the property on its northern side with parking and turning provided within the boundaries of the site. The access track running between Swaledale Court and Morton Hall is a public footpath.
- 1.5 The application includes an area of grass that lies on the northern side of the parking area associated with Swaledale Court. It is proposed to remove a timber fence that separates the grassed area from the main part of the site.

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 08/00522/FUL - Conversion of agricultural buildings to residential use; Granted 14 August 2008. (Swaledale Court, to the south of the site.)
- 2.2 09/00593/FUL - Change of use of land from agricultural use to equestrian and construction of a stable block; Granted 7 May 2009.
- 2.3 16/00565/OUT - Outline permission for a detached dwelling with access and layout; refused 25 July 2016. (Land approx. 30m north of this site, described as "Land Adjacent to 1 Swaledale Court.")

#### **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 DP8 – Development Limits  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 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 – Objects on the following grounds:**

- The scale, size and style of the two proposed buildings would be out of keeping with the appearance and ambience of the rest of Swaledale Court;
- The only access to Swaledale Court is via a single unsurfaced track, which is used by residents and by agricultural vehicles. The track is rutted and has recently worsened as a result of use by commercial vehicles; and
- Additional use of the track will result in an intolerable disruption to the lives of the residents of Swaledale Court.

### **4.2 Highway Authority – No objection subject to conditions.**

### **4.3 Environmental Health Officer - No objection.**

### **4.4 Ministry of Defence – no safeguarding objections**

### **4.5 Ramblers Association – No objection; considers that the public footpath leading to the site will retain its same parameters and characteristics.**

### **4.6 Public comment - Five objections have been received raising the following points:**

- The proposed scale and design are out of character with, and will have an adverse visual impact on, Swaledale Court;
- The size and scale is overbearing and will dominate the skyline;
- Removal of shrubs, hedges and a healthy tree that provided feelings of seclusion and serenity and views from gardens and communal areas;
- Overlooking and loss of privacy;
- The garage with storage would be used as a separate dwelling or annexe;
- A single story dwelling, facing away from Swaledale Court might be supported;
- New build close to two grade II listed buildings would be inappropriate;
- Disruption through installation of services to the dwelling;
- Current and possible misuse of the Swaledale Court car park;
- The site has not been used in accordance with planning permission 09/00593/FUL;
- Potential harm to the wildlife on the site;
- Loss of sunlight and views; and
- The application lacks details of drainage and the building would force standing water onto adjacent property.

## 5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the village; (ii) impact on the character of the village and wider countryside; (iii) design; (iv) residential amenity; (v) effect on adjacent heritage assets; (vi) impact on wildlife; and (vii) highway issues.
- 5.2 The existing building that lies adjacent to but outside of the application site was granted permission for use as stables. The use of this building for any alternative purpose may require planning permission but that is a matter separate from the current planning application.

### Principle

- 5.3 The application site lies mostly within the Development Limit boundary, including the position of the proposed dwelling and none of the exceptions allowed for by policy CP4 are claimed in support of the proposal. Consequently the proposal is contrary to LDF policy. Morton on Swale is a Service Village within the Settlement Hierarchy set out in Policy CP4 and in the adopted Interim Policy Guidance (IPG) which provides for a more flexible approach to new development at the edge of settlements. LDF Policy CP4 maintains a presumption against development beyond Development Limits other than in exceptional cases.
- 5.4 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.
- 5.5 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:
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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right. The proposal would not alter this view. The majority of the site is within the Development Limits of Morton on Swale so the dwelling would be close to the existing village and in line with the existing row of dwellings in Dales View and positioned on the northern side of the parking area associated with Swaledale Court. It would not therefore appear independent of the village. As such, the location would meet the second criterion of the IPG and would accord with the aims of sustainable development.

### Character of the village and countryside

- 5.7 The application site is located on the edge of Morton on Swale without being separated from the development form of the village. The position of the adjacent stable building means that the dwelling would be sited between the stables and the dwelling at 2 Dales View, thereby continuing an existing line of development without encroaching beyond the rear gardens of the adjacent properties on Dales View. Only a small part of the site lies beyond the Development Limit boundary, which follows the rear building line of the dwellings on Dales View; the application site boundary follows the rear garden boundary of the dwellings on Dales View.
- 5.8 It is not considered that the proposed dwelling in this position would adversely affect the form and character of the existing village or the open landscape of the surrounding countryside. This is in contrast to the Council's decision on application 16/00565/OUT, which was for a site further north and considered to be relatively remote and isolated from the built form of the village.

### Design

- 5.9 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.11 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 The submitted Planning Statement notes that the proposed scheme respects existing building lines, scale and massing. The proposed dwelling would have larger dimensions than its neighbours at Dales View but due to the separation distance between Dales View and the application site, the proposed development is not considered to have an overly dominant impact in terms of scale and form.
- 5.13 The proposed dwelling is of a traditional double fronted form that is not dissimilar to other two-storey properties in the vicinity, including Morton Hall. As a new-build project, there is no need for the dwelling to reflect the barn conversion development of Swaledale Court. The proposed dwelling would be set-back from the parking area and would not therefore have a courtyard relationship with those properties and although the initial access track would be shared, the driveway to the proposed dwelling would continue past Swaledale Court to serve the rear of the proposed dwelling. It is suggested therefore that the context of the proposed development is with the adjacent row of dwellings at Dales View rather than Swaledale Court.

### Residential amenity

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The site is considered large enough to accommodate a dwelling and provide a satisfactory level of amenity for future occupiers.

- 5.15 The proposed dwelling would follow the building line of the dwellings on Dales View, with no windows or other openings proposed on the side elevation. Windows in the rear elevation would face the rear gardens but these would have no greater impact on amenity than results from the existing dwellings along this row and this impact is considered to be acceptable.
- 5.16 The front elevation of the proposed dwelling would be sited more than 20m from the garden boundary with the closest dwelling at 1 Swaledale Court. There would be no direct overlooking into windows as the properties lie at right angles. The proposed dwelling would face the rear garden of number 1 and number 2 beyond but this is considered to be sufficiently separated to achieve satisfactory levels of amenity. Any loss of amenity would not be significant as neighbouring properties are of a suitable distance from the site. Opportunities for overlooking already exist from much closer properties such as number 1 Dales View and the dwelling at Pippin Cottage, which fronts onto the main road. The proposed development is considered to have no significant additional impact on the residential amenity of neighbouring properties.
- 5.17 The proposed development would not therefore be contrary to LDF Policy DP1.

#### Heritage assets

- 5.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Morton Hall is a grade II listed dwelling within close proximity of the application site. The existing access and public footpath lies immediately adjacent to Morton Hall but the position of the proposed dwelling lies on the other side of the stables building and would not be viewed within the same context as the listed building. The proposed dwelling would therefore not harm the character, appearance or setting of the listed building.

#### Impact on wildlife

- 5.19 The concerns of residents are noted with regard to wildlife. It is stated that trees and hedgerows have relatively recently been removed, but this did not require the Council's approval. As presented, the application site does not contain any significant ecological features and a dwelling could be delivered without causing harm to any habitats. If permission were granted, suitable landscaping could enhance the wildlife habitat value of the area.

#### Highways

- 5.20 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The detached dwelling would be located on a private road not maintained by the Local Highway Authority but access to the site is along an established and well-formed track. There is a passing point in front of Morton Hall which would allow cars to pass without incident. Further there are also other areas around the field access and Swaledale Court parking area where cars could pull aside without causing harm to highway safety. There is adequate parking proposed within the application site boundary, which should mean that parking would not need to be undertaken within the existing shared parking area of Swaledale Court.
- 5.21 The proposal is considered to be acceptable and the additional vehicle movements resulting from one additional dwelling would not cause highway safety concerns.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. 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. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
  5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference 124:17/01 Rev. A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.
  8. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 124:17/01 Rev. A received by Hambleton District Council on 26 July and 23 October 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP16, DP1 and DP30.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

#### Informatives

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

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

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

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

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

2. 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](mailto: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.

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

**Parish: Romanby**  
**Ward: Romanby**  
**10**

Committee date: 9 November 2017  
Officer dealing: Mrs H Laws  
Target date: 17 November 2017

**16/02168/FUL**

**Formation of two additional dwellings by conversion, alterations and extensions to the existing buildings including construction of hard-standings and three garages  
At Crow Tree farm, Yafforth Road, Romanby  
For Mr & Mrs Craven**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies approximately 1.5km to the west of Northallerton and 700m to the south east of Yafforth. The application site is surrounded by the Romanby Golf Course.
- 1.2 The golf club opened in 1993 and comprises an 18-hole course, golf driving range, associated pro shop, office and a country club used for functions. The business currently employs 11 full time and 15 part-time staff. The existing, adjacent dwellinghouse, although owned and occupied by the applicants, is separate from and does not form part of the business. The dwelling is a substantial four-bedroom, two-storey property, linked by outbuildings to the rear elevation of the country club. A two-storey building comprising domestic garage with storage above lies detached from the dwelling and is physically linked to the pro-shop and office building.
- 1.3 It is proposed to construct a two-storey extension to the west elevation of the dwelling and then sub-divide the accommodation to create two dwelling units, each with three bedrooms. A detached double garage would be constructed adjacent to each dwelling. An extension to the existing driveway would provide access to the new dwelling at the western end.
- 1.4 It is also proposed to alter and extend the garage/store linked to the pro shop to create a two-bedroom dwelling. A conservatory extension would also be added.
- 1.5 The proposed development is to provide an independent dwelling for each of the two sons of the applicants, one of whom is employed within the business. The applicants wish to reduce their input in the business and allow their sons to continue and potentially expand the golf course business (although no business plan has been provided), allowing all to live on site to provide flexibility and security. The proposed dwellings are proposed as a way of providing finance by mortgaging these two new homes, in order to repay investors in the business. Between them the three investors own 50% of the company shares and wish to realise the value of their shareholding. The applicants state that in order to raise the necessary capital, the dwellings would need to remain separate from the business. They consider that any planning conditions or restrictions would reduce the likelihood of securing mortgages and future investment in the business as this would result in reduced values and the chance of obtaining any meaningful mortgage and could create a VAT liability on the build, reducing any chance of surpluses to support the business. The proposal therefore is for the creation of two unrestricted dwelling units.
- 1.6 Should the existing investors seek immediate return of their investment there is a risk that the business would be broken up. The applicant has suggested that an agreement be drawn up with the investors to secure a buy-out and that permission is granted subject to such an agreement. This would not, however, achieve any direct

planning gain to ensure the retention of an existing business and no evidence has been submitted to support this.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 92/0098/FUL - Layout of land & conversion of buildings to clubhouse, and shop with offices, driving range, vehicular access and road, siting of water tank & re-siting of farm buildings for use as store; Granted 16 April 1992.
- 2.2 94/51074/P - Change of use of agricultural land to a golf course extension and construction of a vehicle access bridge and a footbridge; Granted 4 March 1994.
- 2.3 97/51241/P – Clubhouse; Granted 6 February 1998.
- 2.4 98/51141/P – Greenkeeper’s building with associated facilities; Granted 28 April 1998.
- 2.5 99/51232/P – Beer cellar; Granted 19 May 1999.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 – Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 – Landscaping  
Development Policies DP37 – Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection; conditions recommended
- 4.3 Environment Agency – No objection.
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments - None received.

## 5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of additional residential development in this location; (ii) the potential loss of the sports facility and employment generator; (iii) design and siting; (iv) ecology; and (v) highway issues.

### Principle of additional residential development

5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions. Proposed development must comply with at least one of these exceptions:

- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in this position and will help to support a sustainable rural economy;
- ii. is necessary to secure an improvement in a feature of acknowledged importance;
- iii. it would provide affordable housing or a community facility;
- iv. it would re-use an existing building and help to support a sustainable rural economy;
- v. it would make provision for renewable energy generation;
- vi. it would support the social and economic regeneration of a rural area.

5.3 The applicants' justification for the proposed development is that it would help to support the golf course business. The applicants would not however be willing to accept a condition or legal agreement to ensure that the proposed dwellings would remain available either for workers associated with the business or that the financial gain resulting from the development would be reinvested into the business. It should be noted that no operational need for an additional on-site residential presence in order to run the golf course has been presented.

5.4 There is no guarantee therefore, (notwithstanding the assertions of the applicant) that the development would benefit and ensure the long term retention of the business and therefore it is not possible for the proposed development to comply with the criteria set out in Policy CP4.

5.5 The NPPF, in paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- i. The essential need for a rural worker to live permanently at or near their place of work in the countryside;
- ii. Where the development would be the optimal viable use of a heritage asset or would be appropriate enable development to secure the future of a heritage asset;
- iii. Where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting; or
- iv. The exceptional quality or innovative nature of the design of the dwelling.

5.6 None of the above criteria are considered to apply in this instance.

5.7 The Council's Interim Guidance on development in villages focusses on the scope for development within and at the edge of villages and does not make specific reference

to new development in the wider countryside or near a Service centre (Northallerton and Romanby in this case). The application site does not relate to a settlement and therefore the Interim Policy Guidance is not relevant.

#### The potential loss of a sports facility and employment generator

- 5.8 The justification submitted with the application suggests that there is a risk to the business and the provision of the two dwellings as proposed is the only means of allowing the minority shareholders to realise the value of their shareholding and ensure the long term future for the golf course and associated activities. The applicants state that none of the shareholders have received any dividends from the business since it was formed and that this would put off any future shareholders, such that attempts to find replacement investors over the past five years have proved impossible.
- 5.9 The applicants also state that whilst the company's articles of association prevent the minority shareholders from forcing a sale of the company, a disputes resolution clause would "almost force" the family to join forces with minority shareholders and agree to an outright sale. The applicants state that the business would most likely be asset stripped with the land returning to agriculture and the existing buildings being given over to some other use.
- 5.10 Outdoor sports facilities provide social benefits that help to improve people's quality of life and their provision and retention is supported by LDF Policies CP19 and DP37. The NPPF in paragraph 73 states that opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It is considered therefore that the loss of the facility would be contrary to these aims.
- 5.11 The golf course and country club also provide employment for several workers and therefore consideration should be given to whether the proposed development would help to support a sustainable rural economy by allowing the retention of existing jobs.
- 5.12 No information has been received to suggest that without the proposed development the business would close and jobs would be lost, for example a statement from the minority shareholders confirming their intention to force the business to be sold or wound-up. There is no definitive evidence that the business would close and jobs would be lost and therefore no direct connection to the proposed development enabling the retention of the sports facility and employment generator.

#### Design and siting

- 5.13 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."
- 5.14 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.
- 5.15 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.

- 5.16 It is proposed to create one of the two new dwellings by extending the existing dwelling and subdividing the accommodation to create two, three bedroom units. The second new dwelling would be created by converting and extending the existing garage/store.
- 5.17 The submitted Design & Access Statement considers that the proposed extension to the existing house continues the existing form and design of the dwelling, following the visual hierarchy of the different sections of the development. The proposed building would retain the characteristics of a single dwelling with secondary additions rather than of two independent dwellings and this therefore reflects the existing character of the property without detracting from its appearance.
- 5.18 The existing garage building is of minimal visual merit and the proposed alterations and extensions do not detract from its appearance. The building forms part of the group of buildings associated with the existing dwelling and golf course and the proposed works would not have an adverse visual impact on the character and appearance of the surrounding rural landscape.
- 5.19 The proposed work is considered to be in accordance with LDF Policies CP16, CP17, DP30 and DP32.

#### Ecology

- 5.20 A submitted bat survey concludes that there is potential for bat roosts within the buildings and landscape within the application site boundary and further surveys should be undertaken.

#### Highway issues

- 5.21 The Highway Authority has no objections to the use of the existing driveway to serve the additional dwellings.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
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.

This page is intentionally left blank

**Parish: Seamer**  
Ward: Hutton Rudby  
**11**

Committee date: 9 November 2017  
Officer dealing: Mr K Ayrton  
Target date: 10 November 2017

**17/00305/OUT**

**Outline application for five dwellings with all matters reserved  
At Springwell Nurseries, Stainton Road, Seamer  
For Mr & Mrs Cook**

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

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located within the settlement of Seamer, which is an Other Settlement located at the northern edge of the district, close to the boundary with Stockton on Tees Borough. The site is linear in nature and is approximately 0.9 hectares in size.
- 1.2 Springwell Nurseries currently operates from the site. This is owned and operated by the applicants, who are approaching retirement. The existing development comprises greenhouses and poly-tunnels, and an extent of hardstanding to the front of the site. This links to two accesses. One serves as an entrance off Stainton Road; the other as an exit.
- 1.3 The site has an established landscape framework around the majority of its boundary, which largely screens it from the adjoining countryside to the north and east. On the opposite side of Stainton Road are several residential properties. The core of the village is located to the south east where there are a several services and facilities.
- 1.4 The application is in outline form with all matters reserved. The remaining matters, i.e. access, appearance, landscaping, layout and scale, would be for a later application if this application is approved.
- 1.5 Improvements have been secured through reducing the scale of the proposal from 12 dwellings to five, restricted to approximately half of the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

**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 Guidance Note – adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

4.1 Parish Council – Agrees to the development, subject to the following comments:

- The site is within the present Development Limits (Officer Note: The site is located beyond, but adjacent to, the Development Limits);
- It will only support small sale development;
- The site is situated on the edge of the village but it will not adversely impact on the rural character;
- Part of the site is already derelict; and
- Would like to see up to four starter homes to enable young people to get onto the property ladder.

4.2 Highway Authority – The indicative layout of the internal road system does not presently comply with the County Council's Design Standard, however as this is an outline application and if approved these details can be amended. Given the number of dwellings proposed the road layout should be to an adoptable standard. The relevant conditions for this would be included at the reserved matters stage.

Visibility will need to be improved at the access in line with the standards within Manual for Streets as well as pedestrian access to the site from the existing footway network on Hilton Road.

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 suitably worded condition.

4.4 Environmental Health Officer – No objection.

4.5 Durham Tees Valley Airport – No objection.

4.6 Public comments – One letter of objection making the following comments:

- 12 dwellings is a substantial number;
- No information available; and
- The development will result in overlooking.

One letter of support subject to upgrading amenities, road access, the pavement to the main village, electricity supply, water & sewerage.

Two neutral letters making the following comments:

- Sufficient on-site car parking will need to be provided;
- Consideration needs to be given to drainage;
- Landscaping should be retained; and
- Would prefer to see less (than 12) houses.

## 5.0 OBSERVATIONS

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

### Principle

- 5.2 The site is located within the settlement of Seamer, and falls just beyond the Development Limits. 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 In the IPG Seamer is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities.
- 5.5 Taking these factors into consideration, for the development to benefit from the IPG, Seamer 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 The nearest main settlement is Stokesley, located to the south east of Seamer. This is accessed via derestricted rural roads, large sections of which are not served by footways. The distance from the edge of the main built up area of Seamer to the edge of Stokesley is approximately 2.7km. Also located in between is the settlement of Tame Bridge, which is also an Other Settlement. It should be noted that the main services within Stokesley are approximately another 0.5km distant.
- 5.7 As part of their submission, the agent refers to a November 2016 appeal decision at Low Worsall, where the Inspector identified the distance to Yarm in their deliberations in terms of whether Low Worsall could be considered to be a sustainable location. The distance to services and facilities (between 2.7km to 4.5 km) exceeded the distance set out in the IPG, but the Inspector still considered there to be convenient access. What the agent does not highlight is the Inspector's identification of a footpath linking Low Worsall with Yarm, which influenced their decision. The Inspector also gave weight to the fact that the proposal was for a single dwelling, which added to the view that the proposal would not give rise to significant harm in respect of additional travel by private car. It was also identified that the development would have good access to local services, located on the edge of Yarm closest to the application site.

- 5.8 There is clearly a conflict with criterion 1 of the IPG and having applied the guidance it cannot be concluded that the proposal would be in accordance with the IPG.
- 5.9 Policy DP17 aims to resist the loss of employment land. In this instance it is understood that the applicants are close to retirement and the business has been reducing in scale over the last few years. Indeed it only provides employment for them. It can be seen that the relatively small size of the site would suggest that it would not lend itself to operating as a viable commercial enterprise in itself. Considering the amount of existing employment generated from the site and the fact that part of the site would remain undeveloped and therefore potentially available for employment use, conflict with the policy is limited.

#### Character and Appearance

- 5.10 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 case five dwellings are proposed. Originally 12 dwellings were proposed, which was considered to be too many units in terms of the size of the host settlement. It is recognised that the amount of development was driven by the size of the site. The reduced scheme for five dwellings, which is focused on the southern half of the site, is considered to be more appropriate. Whilst at the top end of small scale, it is considered to accord with criterion 2.
- 5.11 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 LDF. In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses solely on the principle of development.
- 5.12 It is considered that the southern half of the site is the most logical to accommodate development. It relates to the existing development along Hilton Road, which links to the core of the village. The shape and size of the site provides opportunity to deliver a development that would benefit from the existing landscape framework, respond positively to the built form, and respect residential amenity.
- 5.13 It is recognised that the site is distinctly separate from the wider countryside and is read in the context of the existing built form. The parts of the site that accommodate development are viewed as previously developed land. The Parish Council makes the comment that the site is derelict. However, it is considered that the site is not harmful to the visual amenity of the area to a point that would justify development of the site under policy CP4 (ii) which seeks to mitigate significant environmental harm. However, weight can be given to the previously developed status of part of the site.
- 5.14 It is recognised that the site would present some design challenges at reserved matters stage and it will be important that any proposal demonstrates how it has responded to the existing built form. However the existing landscape allows the site to be viewed more in the context of the existing development and will not be viewed as an element in the surrounding landscape. Therefore the impact on the natural surrounding landscape would be minimal.

#### Neighbour Amenity

- 5.15 The nearest residential properties are located on the opposite side of Stainton Road (to the west) and to the south facing onto Hilton Road. It is considered that there is

scope for a design to be achieved that would not result in an adverse level of harm to residential amenity and accord with Policy DP1.

### Highways

- 5.16 The Highway Authority has no in principle objection to the proposed development. Were the outline application approved, it has identified opportunities to improve the internal road layout (referring to the illustrative proposed layout plan), improved visibility and pedestrian access to the site from the existing footway network.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposal represents development in a rural location outside of the Development Limits of designated Sustainable Settlements without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.

This page is intentionally left blank

**Parish: Seamer**  
Ward: Hutton Rudby  
**12**

Committee date: 9 November 2017  
Officer dealing: Mr K Ayrton  
Target date: 10 November 2017

**17/01871/FUL**

**Replacement with new dwelling**  
**At 5 Stainton Road, Seamer**  
**For Mr & Mrs Andrew & Allison Routledge**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located in the settlement of Seamer. It is accessed off a private drive off Stainton Road, which serves four properties. There are additional properties to the west, including a bungalow that appears to sit at a slightly elevated position; and 1 ½ storey property to the north, which sits at a lower level. The majority of properties within the area are bungalows, although there are several that have accommodation in the roof space.
- 1.2 The site currently accommodates a fire damaged bungalow. The supported design and access statement confirmed that the existing property was subject to fire and has sustained significant damage, which has resulted in the structure being beyond repair.
- 1.3 The proposal is to demolish the existing structure and replace it with a building of single-storey form making use of the roof space for an upper floor. The footprint of the development would be broadly the same as existing.
- 1.4 The main difference compared with the existing dwelling is the increase in the ridge height to allow for additional living accommodation in the form of three bedrooms to the first floor. The ridge height would be approximately 1.1 metre higher. There would also be several roof lights and dormer windows inserted mainly into the roof plane to the rear (north) elevation.
- 1.5 Access and parking arrangements would be similar to those existing.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy 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 DP32 - General design  
National Planning Policy Framework (2012)

## **4.0 CONSULTATIONS**

4.1 Parish Council – Objects for the following reasons:

- The plans do not give an accurate representation;
- Adjacent properties are all single storey and the proposal would be out of context;
- The site is on an elevated position, which would impact on light to Garthside House;
- Raising the dwelling by a full storey will impact on neighbours; and
- Concerns with potential impact from drainage run-off

4.2 Highway Authority – No objection subject to parking condition.

4.3 Northumbrian Water –The developer should develop their surface water drainage solution by working through the following, listed in order of priority: discharge into ground (infiltration); discharge to a surface water body; discharge to a surface water sewer, highway drain, or another drainage system; and as a last resort, discharge to a combined sewer.

4.4 Public comments – Five comments received making the following comments:

- The proposed dwelling is significantly taller;
- Overlooking;
- The design would not be in keeping with the surrounding properties;
- Impact on sunlight; and
- Concerns over a 2.5m variation in ground floor levels between the proposed dwelling and an adjacent dwelling.

## **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

### Principle

5.2 The property is located within the Development Limits of Seamer. It is considered that the existing bungalow is not a high quality example of architecture and lacks any local distinctiveness. It is clearly evident that it has suffered from significant fire damage. The replacement of the property is acceptable in principle and in accordance with policy subject to detailed consideration of its character and appearance and other potential impacts.

### Character and Appearance

5.3 The plot is approximately 0.1 hectares in size, which is consistent with others in the surrounding area. The drive to the property rises with the property sitting at an elevated position compared with the neighbouring properties, most notably to the north. However, these are existing attributes of the site and do not arise from the proposed replacement dwelling.

5.4 Concern has been raised in representations about the amount of detail in the submission. However, the submitted plans are considered to be sufficiently detailed to allow a reasoned assessment of the application. The siting is comparable to the existing dwelling, providing a comparable amount of amenity space, and is considered to be acceptable.

- 5.5 The scale of development would change, with the height of the proposed dwelling approximately 1.1 metres above the ridge line of the existing building. This is to allow the roof space to accommodate additional living accommodation and the increase in height is considered to be relatively modest. When viewed in the context of the surrounding properties, which vary in height and appearance, this would not be harmful to the character or appearance of the area.
- 5.6 The appearance is of a traditional form using brick and concrete tiles. There are some more contemporary touches through the use of glazing, most notably to the projecting gable on the front elevation, which includes a Juliet balcony.

#### Neighbour amenity

- 5.7 Perhaps the most significant change in terms of the likely impact on neighbours is the introduction of roof lights and dormer windows into the rear elevation, which faces Garthside to the north. The facing side elevation of Garthside includes ground and first floor windows serving a bathroom, the kitchen and a bedroom. The kitchen and bedroom are served by additional windows to the front and rear of the property. The separation distance between the main rear of the proposed dwelling and the side of Garthside would be approximately 15.5 metres. The new elevation, with the increase in ridge height, roof lights and dormer windows would be more visible from the rear garden of Garthside. However, even when taking into consideration the change in site levels, the separation distance is sufficient to ensure there would be no adverse impact on the amenities of neighbouring residents in terms of overlooking, loss of privacy or overshadowing.
- 5.8 In coming to this view, it is recognised that retaining the current boundary hedge would offer a good level of screening between the proposed dwelling and Garthside. It is understood that this hedge is within the ownership and control of the applicant. Without the hedge, there would be a greater degree of overlooking, so it would be reasonable to attach a condition requiring the retention of the hedge.
- 5.9 The impact on other residential properties would be minimal. The first floor windows introduced to the gables are at high level, so avoid overlooking. The proposed Juliet balcony to the front would look out onto the front parking area, and avoid looking onto the more private rear gardens of neighbouring properties. Therefore it would not be harmful to the amenities of neighbours.

#### Highways

- 5.10 The proposed access arrangements are the same as existing. This provides on-site car parking and manoeuvring space. The Highway Authority has not raised any objection.

### **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 02A, 03A, 04A and 05 received by Hambleton District Council on 24 August 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. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. No part of the existing boundary hedge along the northern boundary(ies) of the site shall be uprooted or removed and the hedge 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. Any hedging removed, dying, becoming seriously damaged or becoming seriously diseased shall be replaced by hedging of similar size and species to existing unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

This page is intentionally left blank

**Parish: Shipton**  
Ward: Easingwold  
**13**

Committee date: 9 November 2017  
Officer dealing: Mrs C Strudwick  
Target date: 17 November 2017

**17/01776/FUL**

**Extension and alterations to dwelling**  
**At Stack House Farmhouse, Stack House Farm, Shipton by Beningbrough**  
**For Mr Richard Byfield**

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

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 Stack House Farm lies at the end of a 700m track north, of Chapman's Lane, in the parish of Shipton. The proposal site sits within an isolated farmstead, with approximately half a dozen dwellings clustered at the end of this track.
- 1.2 The host building, other dwellings and associated outbuildings and agricultural buildings are constructed of red brick, with slate roofs. Architecturally the dwellings are quite imposing at three storeys, with pitch roofed dormers to the second floors. The host dwelling has had a ground floor single storey extension added to the east elevation, constructed of matching red brick.
- 1.3 This application seeks permission to add a single storey extension on the northern elevation and a porch elevation to the east elevation. This application is a revised version of an earlier scheme (17/01036/FUL); amendments have been made in response to the neighbours' concerns regarding the extension being attached to the neighbouring property.
- 1.4 Improvements have been secured through the substitution of timber window frames for the originally proposed aluminium frames and removal of a render element, as this was considered not to be in keeping with the traditional Victorian architecture.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/01061/MBN - Prior notification for change of use of agricultural building to two dwellings and associated operational development; Withdrawn 1 July 2015.
- 2.2 17/01036/FUL - Extension and alterations to dwelling; Withdrawn 4 July 2017.

**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 CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
National Planning Policy Framework

## 4.0 CONSULTATIONS

4.1 Parish Council – Resubmits the comments made in relation to the withdrawn scheme, noted that:

- The use of cream render and black powder coated aluminium windows frames would be out of keeping with the Victorian architecture of the building;
- There are intermittent issues with water supply due to an elderly service pipe. A new supply pipe should be installed, by condition;
- Any further demand placed on the sewage system will have a negative effect;
- The wood burner flue appears markedly close to the neighbouring property;
- The new window on the eastern elevation will provide views directly into the neighbour's living room, at a distance of just 1.5m;
- Additional large heavy vehicles using the access land will cause additional damage to an already poor surfaced lane; and
- Work has already commenced on site, with concerns over the removal of asbestos and the excavations on site.

4.2 Highway Authority – no objections

4.3 Yorkshire Water – no response

4.4 Public comments – Four objections have been received; the main points are:

- Strain on the sewerage system;
- Strain on water supply due to demand by neighbouring working farm and livestock;
- The development is not in keeping with surrounding development;
- Close proximity to livestock buildings, distressing the livestock;
- Low hanging electrical overhead wires are installed on site;
- Plant and machinery frequently block access and poses a risk to loose livestock;
- Work has been carried out carelessly on site;
- Use of external LED lights;
- Loss of residential amenity due to proximity to the neighbouring property;
- Demolition and construction will cause instability of existing buildings and subsidence;
- Loss of character and heritage;
- Overdevelopment and unsustainable development;
- The chimney will result in air pollution; and
- Disturbance and displacement of bats and owls

## 5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the scale of the extension in relation to the existing building; (ii) the design and materials; (iii) impact on the residential amenity of the neighbouring properties; (iv) the impact on the countryside setting; (v) biodiversity impact; and (vi) highways impact.

5.2 Concern has been raised regarding the health and safety of the construction site; however this is not a material planning consideration and can be dealt with accordingly through building regulations. Similarly, the positioning of a flue or chimney must conform with building regulations and need not be dealt with through the planning process.

Scale of development

- 5.3 The extension comprises of a subservient design which is considered acceptable and will not significantly detract from the appearance or character of the existing dwelling. The subservient design of the proposed extension is considered acceptable and will not detract from the appearance or character of the host dwelling and area. Materials to match the existing dwelling are proposed and this will assist in achieving an acceptable design.

#### Design and materials

- 5.4 Through the amendments to the scheme to secure the finish in red brick, rather than render and timber window frames rather than aluminium it is considered that the design and materials are complementary to the host dwelling, and wider development in the immediate area.
- 5.5 The nature of this dwelling and the neighbouring dwellings is of varying heights and projections. This scheme reflects the non-linear configuration of the buildings on site.
- 5.6 The scheme includes details such as conservation roof lights to the side extension, and a brick built chimney which are welcomed and demonstrate a high quality scheme, in compliance with CP17 and CP32.

#### Residential amenity

- 5.7 The layout of the cluster of domestic dwellings and agricultural buildings on site is rather high density. The proposal property, Stack House Farm is attached to West Court and East Court. All three dwellings are tall, austere red brick Victorian dwellings which, due to the existing windows openings and layout of both the host and neighbouring properties, there exists an element of overlooking already.
- 5.8 This revised scheme has removed all elements which previously attached the northern side extension to the neighbouring property. There has been concern raised regarding the loss of residential amenity as a result of the back porch (north west corner of the dwelling), and the disturbance that the use of the passageway would cause the neighbours as the separation distance between the two properties would be 900mm at its narrowest point.
- 5.9 There are no windows on the gable elevation of the neighbouring property to provide ingress for noise or views by people using the passageway. There are ground floor and first floor windows to the neighbours southern elevation, however the porch will take the building line to approximately 600mm off the neighbours elevation, making the angle of view, for someone exiting the back door, so steep that views into the first floor windows would be impossible, and the proposed high level timber fence would be of a height that make views into the ground floor impossible. The neighbour is concerned regarding noise disturbance as a result of use of the back porch door, and associated activity. However given the small gap which noise could pass through from the back porch area, and that the majority of the passage way will be covered it is considered that there would not be an unacceptable loss of neighbouring amenity and the scheme does comply with DP1.
- 5.10 It is considered that the rest of scheme respects the privacy and neighbouring amenity of the adjacent properties.

#### Impact on the countryside setting

- 5.11 The proposed development is located within an area of dense development and will fit appropriately within the domestic setting of this site. Whilst the extension is relatively large it will be commensurate to the existing site and will not cause any significant impact on the visual amenities of the site and surrounding area. The scale

and design of the proposed extension is considered appropriate and in harmony with the existing dwelling.

### Biodiversity

- 5.12 Concern has been raised that the work on site has led to the disturbance and displacement of bats and owls, primarily through the felling of a lime tree. The tree was not the subject of a TPO or other protection. Concerns regarding the damage or destruction of a bat roost should be reported to the police or the Bat Conservation Trust.
- 5.13 It is considered that there is no threat to roosting bats or owls through the development of this scheme, through the construction of the buildings or through a very limited increase in construction traffic on site.
- 5.14 The matter of newts on site has also been raised, in ponds nearby. It is considered that the scheme will not impact on these ponds, therefore there is no increased threat to any newts in the area.

### Highway Impact

- 5.15 This application for an extension to an existing dwelling; the scheme does not propose any additional bedrooms and it is reasonable to assume that the extension will not result in an increase of residents at the property, with no additional pressure on the access road off Chapmans Lane.
- 5.16 the construction of the extension will bring construction traffic and wagons delivering materials; however given the scale of the proposal it is considered that the occasional inconvenience this will have on existing residents will be limited to the construction period.
- 5.17 The Highways Authority does not raise any objection to the proposal. Overall it is considered that there would be no significant or material harm to the highway network or the un-adopted track used to access the site.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HU-RJH-BSP-541-16 102 A, 116D, 113K, 110M, 114P received by Hambleton District Council on 10th August and 2nd October unless otherwise approved in writing by the Local Planning Authority.
  2. The development hereby permitted shall be begun within three years of the date of this permission.
  3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
  4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17 and DP32.
2. 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.
3. The site is within an area of predominantly traditional buildings, the character of which the Local Planning Authority wishes to conserve.
4. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32.

This page is intentionally left blank

**Parish: Welbury**  
Ward: Appleton Wiske and Smeatons  
**14**

Committee date: 9 November 2017  
Officer dealing: Peter Jones  
Target date: 21 August 2017

**17/00784/FUL**

**Demolition of outbuilding and construction of two storey building to provide 7 bed/breakfast units and 3 timber holiday cabins  
At The Duke of Wellington, Welbury  
For Levendale Properties Limited**

**This application is referred to Planning Committee at the request of Councillor Stephen Watson. Consideration of the application was deferred at the August Planning Committee for further consideration**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site forms part of the car park and garden to the rear of the Duke of Wellington Public House. The site runs out from the rear of the public house at grade before a relatively steep slope down to the remaining area of the rear garden. The site is bounded to one side by the rear garden of Rosedene and to the other by partially redundant farm buildings. To the rear of the site the area runs out to open countryside.
- 1.2 The application, as amended, is for seven letting rooms within a new brick built structure within the car park and for the construction of three self-contained chalet units in the rear garden area. The original submission was for four chalet units but the one that was proposed closest to the boundary with Rosedene has been removed during the course of the application. The application also proposes a re-design of the car parking area to allow for the proposed development.
- 1.3 The application for the construction of the seven additional letting rooms would involve the demolition of an outbuilding and construction of a new building which would be physically adjoined to the present bed and breakfast building, by way of replacing the existing external staircase and projecting 90 degrees to it. The building would measure 14m long by 9m deep with an overall ridge height of 6.8m. The building would provide two bedrooms and one family room at ground floor with four bedrooms at first floor. Each unit would contain en-suite facilities with the upper rooms having balconies to the rear elevation. The southern roof plane would contain two rows of solar panels which would be black in colour.
- 1.4 The proposed chalet units measure 13.4m long and 6m wide with a ridge height of 4.9m. A decking area would extend a further 1.6m from the rear elevation. Each cabin would provide three bedrooms, kitchen and bathroom.
- 1.5 The proposed chalets are of timber framed construction with grey coloured slate roof tiles with six solar panels fixed to each roof plane.
- 1.6 The site currently provides a total of 22 car parking spaces although these are not delineated, 13 in the rear car park and 9 in the front car park. The proposed revision to the car parking arrangements would increase the provision to the rear to 28 spaces along with the 9 spaces to the front unchanged.
- 1.7 Through the course of the application the applicant has sought to address the concerns of neighbouring occupiers by removing one of the chalet units from the scheme. Additional information has also been provided with regard to the layout of the car park and the impact of the slope on the scheme.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 09/00109/FUL - Alterations and extensions to outbuilding to form five bed and breakfast units; Granted 10 March 2009.

2.2 09/02689/FUL - Change of use of restaurant to form a dwelling; Refused 17 November 2009 and appeal dismissed 7 September 2010.

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP5 - Community facilities  
Development Policies DP10 - Form and character of settlements  
Development Policies DP16 - Specific measures to assist the economy and employment  
Development Policies DP17 - Retention of employment sites  
Development Policies DP18 - Support for small businesses/working from home  
Development Policies DP25 - Rural employment  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

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

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

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

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

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

## **5.0 OBSERVATIONS**

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

### Principle and the viability of the community asset

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

current public house business and the impact of the proposed development, in particular on neighbouring amenity.

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

#### Residential amenity

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

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

#### Design

- 5.18 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.19 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.20 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also states:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- There is no indication that such discussion took place in this instance, although it is not mandatory.
- 5.21 The proposed letting rooms follow the existing vernacular of the site, utilising matching designs and materials. This element of the scheme would fit comfortably with the other buildings on the site and is considered to be acceptable in design terms.

- 5.22 The chalet buildings would be set physically apart from the main part of the site and would differ from the public house and surrounding development in terms of their design and siting. However, they would be relatively low key in terms of height, size, form, and detailing. Given the separation from the main built form of the village and the nature of the land form in the vicinity of the application site, the proposed chalets would be obscured from public view and as such have little impact on the character and form of the village.

#### Highway safety

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

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered TPS003D/2017 received by Hambleton District Council on 03 October 2017 unless otherwise approved in writing by the Local Planning Authority.
  3. Development shall not commence in the relevant area of the site until evidence has been submitted to and approved by the Local Planning Authority that the surface water sewer laid along the northern boundary of the site has been site surveyed to ascertain the precise position, diameter and depth of the pipe in order to determine the required building stand off distance required. Furthermore, construction in the affected area shall not commence until appropriate protection measures have been fully implemented.
  4. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
  5. No construction work shall take place on site outside of the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays - these times shall also apply to construction and delivery vehicles associated with construction entering or leaving the site - there shall be no working on Sunday or Public Holidays.
  6. The development must comply with the following requirements that: (i) The accommodation hereby approved shall only be occupied for holiday purposes; (ii) The accommodation shall not be occupied as a person's sole, or main place of residence; (iii) The accommodation shall not be occupied by any persons or

connected group of persons for a period exceeding 28 days in any one calendar year; and (iv) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed and marked out in accordance with the submitted drawing (Reference TPS003A/2017). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) delivery, loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; and (d) wheel washing facilities.

The reasons for the conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To ensure the protection of the public sewer and the structural stability of the proposed cabins and to accord with the requirements of Development Policy DP6.
4. To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with the requirements of Development Policy DP6.
5. In order to protect the amenity of neighbouring occupiers and to accord with the requirements of Development Policy DP1.
6. In order to ensure that the development hereby approved is not occupied by as any person's permanent home and to ensure that the development contributes to the sustainability of the public house.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of policy DP3.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to accord with the requirements of Development Policy DP3.

This page is intentionally left blank