

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 10 October 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 18 October 2018**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING THE CONSULTATION ON THE MANGAGEMENT PLAN OF THE HOWORDIAN HILLS AREA OF OUTSTANDING NATURAL BEAUTY AND REVIEWING THE COUNCIL'S POLICY POSITION RELATING TO THE THRESHOLD FOR AFFORDABLE HOUSING IN THE LIGHT OF THE NPPF 2018

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 20 September 2018 (P.12 - P.13), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Deputy Chief Executive.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 20th September, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	R W Hudson
	M A Barningham		C Patmore
	D M Blades		B Phillips
	Mrs B S Fortune		C Rooke
	K G Hardisty		D A Webster

An apology for absence was received from Councillor S P Dickins

P.12 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 23 August 2018 (P.10 - P.11), previously circulated, be signed as a correct record.

P.13 PLANNING APPLICATIONS

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 18/01545/OUT - Outline application with some matters reserved (access included) for the construction of one dwelling for Richard Barker at The Myer, Burneston

PERMISSION GRANTED because the development would not harm the form and character of the village.

The decision was contrary to the recommendation of the Deputy Chief Executive.

- (2) 18/00423/FUL - Construction of one dwelling for Mr Wood at Ivy House, Dalton

APPLICATION WITHDRAWN

- (3) 18/01273/FUL - Change of use from a holiday cottage to a dwelling for Mr Robin Houlston at The Annex, Highthorne Farm, Highthorne Lane, Husthwaite

PERMISSION GRANTED

Note: Councillor R W Hudson left the meeting at approximately 1.55pm following discussion and voting on the above item and did not return to the meeting.

- (4) 18/01300/FUL - Change of use of land to holiday park with provision of 35 pitches, internal access road, improved access to Allerton Wath Road, packaged treatment plant and construction of facilities block for Mr and Mrs Malcolm Holder at Land north of Beckstead Grange, Allerton Wath Road, Knayton

PERMISSION GRANTED subject to an additional condition concerning external lighting.

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

- (5) 18/01602/OUT - Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses for Mr D Bainbridge at OS Field 2719, Stokesley Road, Hutton Rudby

DEFER to negotiate affordable housing content, layout and landscaping and to consider matters of highway safety.

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

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

- (6) 18/01112/OUT - Outline application (some matters reserved) for a bungalow for Prism Planning Limited at Hawthorns, Tame Bridge, Stokesley

PERMISSION GRANTED

- (7) 18/01449/OUT - Application for outline planning permission with all matters reserved for the construction of a single bungalow and garage for Mr Alan Hetherington at Field House, Stillington

PERMISSION GRANTED subject to modification of Condition 4 to ensure the development is limited to one single-storey dwelling.

- (8) 18/01322/FUL - Change of use of agricultural land and the construction of three modular, earth sheltered eco pods and change of use of hardstanding for associated guest parking for Mr and Mrs Parker-Nicholls at The Baggins, Thornton Hill

PERMISSION GRANTED subject to a requirement that there be no more than three eco-pods.

(The applicant, Steve Parker-Nicholls, spoke in support of the application.)

- (9) 18/01627/MRC - Application for variation/removal of condition relating to Planning Application 17/02326/FUL - Alterations and extension to dwelling to form a sun lounge, entrance hall, office and utility room for Mr and Mrs S Dickins at Wellington Farm, Ingleby Arncliffe

PERMISSION GRANTED

The meeting closed at 3.25 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 18 October 2018. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at 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 Deputy Chief Executive 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
Deputy Chief Executive

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 normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 18 October 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/01413/FUL Miss C Cornforth Aiskew Page no: 11	Creation of new detention basin For: Mulberry Homes At: Land south of Bedale Rose Avenue, Leeming Bar RECOMMENDATION: GRANT
2	18/00209/FUL Mrs C Strudwick Aldwark Page no: 17	Construction of two detached dwellings and garages together with ancillary external works, drainage and landscape For: Keepsake Homes Ltd At: Land adjacent to Beechcroft Farm, Aldwark RECOMMENDATION: GRANT
3	18/00995/FUL Miss R Hindmarch Alne Page no: 27	Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road For: Mr & Mrs Adamson At: The Old Station Yard, Station Road, Alne Station RECOMMENDATION: GRANT
4	18/01560/FUL Mrs H Laws Aiskew Page no: 43	Construction of warehouse and offices For: Mr Stephen Clark At: Plot 1, Conygarth Way, Leeming Bar Business Park, Leeming Bar RECOMMENDATION: GRANT
5	18/01132/FUL Miss C Cornforth Bagby Page no: 47	Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings For: Mr T Robson At: Bagby Hall Farm, Bagby RECOMMENDATION: GRANT
6	18/01472/FUL Mrs C Strudwick Crayke Page no: 63	Demolition of garage & workshop and construction of a detached four-bedroom, two-storey dwelling For: Mr N Jackson At: Oak Cottage, Church Hill, Crayke RECOMMENDATION: GRANT
7	18/00938/OUT Mr I Lunn Great And Little Broughton Page no: 69	Outline application (with matters of access and layout to be determined) for the construction of one detached dwelling. For: Mr & Mrs Bowes At: Land To The Rear Of 81 To 83, High Street, Great Broughton RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	18/01879/FUL Mr S Rawling Great and Little Broughton Page no: 75	Change of use of (B1) vacant ground floor office to osteopathic clinic (D1) For: Mrs Amelia Mann At: Suite 4, Springboard Business Centre, 24 Ellerbeck Way, Stokesley, North Yorkshire, TS9 7JZ RECOMMENDATION: GRANT
9	18/01024/REM Mrs T Price Northallerton Page no: 79	Reserved matters application for six dwellings For: Park Quadrant Homes At: D Oakley Limited, 68 Romanby Road, Northallerton RECOMMENDATION: GRANT
10	18/01602/OUT Mr I Lunn Rudby Page no: 91	Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses For: Mr D Bainbridge At: OS Field 2719, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT
11	18/01798/APN Mr Rowshon Uddin Sessay Page no: 103	Application for Prior Notification for an agricultural building to cover an existing straw based farm yard manure muck store For: Mr Sanderson At: Bruce House, Scaife Shay Lane, Sessay RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED
12	18/01169/TPO Mr Rowshon Uddin Skipton on Swale Page no: 105	Felling of trees the subject of a TPO For: Mr Jeremy Hogan At: The Grove, Skipton on Swale RECOMMENDATION: REFUSE
13	18/01008/MRC Mr Sean Rawling Skutterskelfe Page no: 109	Application for variation of conditions 7,10,11,15,16 and 18 and removal of condition 12 (location of events within the grounds of Rudby Hall to previously approved application 15/00961/MRC For: Mr Michael Hepburn At: Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN RECOMMENDATION: GRANT
14	18/01791/APN Mrs C Strudwick South Kilvington Page no: 119	Application for Prior Notification for a proposed agricultural building to cover an existing straw based FYM muck store For: Mr Sanderson At: Land Between Upsall Lane And Hag Lane, Hag Lane, South Kilvington RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
15	18/00005/TPO2 Mrs Angela Sunley Stokesley Page no: 121	Tree Preservation Order 2018 No 5 For: Diocese Of Middlesbrough At: Land Rear Of, St Josephs Presbytery, 1 Tanton Road, Stokesley RECOMMENDATION: CONFIRM
16	18/01334/FUL Miss R Hindmarch Thirsk Page no: 123	Alterations and change of use of dwelling to create a house of multiple occupancy and alterations to the garage to form a car port For: Miss Ruth & Samuel Morris & Borin At: The Old Model Lodgings, 1A Barbeck, Thirsk RECOMMENDATION: REFUSE
17	18/00331/FUL Miss R Hindmarch Thirsk Page no: 127	Demolition of existing buildings and erection of 112 dwellings with associated open space, access and infrastructure For: Bellway Homes Ltd (Yorkshire Division) and Thirsk Investments Limited At: Former Austin Reed Site, Station Road, Thirsk RECOMMENDATION: GRANT

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Parish: Aiskew
Ward: Bedale
1

Committee date: 18 October 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 1 October 2018

18/01413/FUL

**Creation of new detention basin
At land south of Bedale Rose Avenue, Leeming Bar
For Mulberry Homes Yorkshire Limited**

**This application is referred to Planning Committee at the request of a Member
of the Council**

1.0 SITE, CONTEXT AND PROPOSAL

Background

- 1.1 Mulberry Homes (Yorkshire) appointed Southdale as lead contractor to build out the residential development. Southdale went into administration and the contract was a design and build contract with a major part of the contract being to obtain road and sewer adoptions.
- 1.2 Mulberry Homes (Yorkshire) was therefore asked to take over the S104 agreements for drainage with Yorkshire Water and highways with North Yorkshire County Council. Unfortunately, this could not be delivered and thus there is now a requirement to find an alternative location for the detention basin. An earlier application for the formation of the detention basin on the designated area of public open space has been withdrawn (Reference 18/01413/FUL) following officer advice.
- 1.3 As a result of ongoing dialogue with the adjoining landowner, agreement has been reached for the applicant to acquire land adjacent to the new residential development which will serve as the detention basin in times of extreme rainfall. It is the formation of this detention basin, that is the subject of this planning application.

Site and Application

- 1.4 The application site is located to the south of the recently constructed dwellings at the site known as 'Leeming Gate'. The site is located to the east of existing dwellings that front onto Leeming Lane. It is the intention to provide 2 access points into the site, one from the adjoining residential area and the other from the adjoining agricultural land. The boundary treatment of the detention basin will be a post and rail fence with gates providing access into and out of the site. In order to prevent animals encroaching into the area, the fence will be stock proof.
- 1.5 The purpose of the detention basin is to manage the exceedance flows from the attenuation tank located in the north east corner of the housing development. The attenuation tank provides surface water storage up to and including the 1 in 30 year storm event. Therefore, the majority of the time the basin will be viewed as a depression in the ground with no standing water. The basin will only contain water in the case of exceedance flows from the attenuation tank.
- 1.6 Storm events which cause exceedance from the attenuation tank will be directed towards the detention basin via a perforated pipe at the base of a 600mm wide gravel trench. Flooding during a 1 in 100 year storm event will first occur from the manhole labelled S31 located to the north west of the public open space. A new sewer

connection will be installed immediately below the cover slab to direct surface water exceedance flows to back up and into the pipe and fall via a 1:500 gradient towards the detention basin.

- 1.7 The minimum storage is 500 cubic metres. The base of the detention basin will be a loamy soil mix and will be set at a level of 33.285m AOD (Above Ordnance Datum). Sections have been provided as part of the planning application submission as well as detailed drawing showing the detention basin and the overall infiltration depression for the flood exceedance events.
- 1.8 The siting of the detention basin has been amended to take account of the Yorkshire Water sewer and easement area in the vicinity.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Application on the designated public open space on the 'Leeming Gate Site'

- 2.1 17/02737/FUL - Construction of a detention pond; Application withdrawn 01.09.2018.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP17 - Promoting high quality design
Core Policy CP19 - Recreational facilities and amenity open space
Core Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP6 - Utilities and infrastructure
Development Policy DP32 - General design
Development Policy DP37 - Open space, sport and recreation
Development Policy DP43 - Flooding and floodplains

National Planning Policy Framework – published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – the Councillors on the Aiskew and Leeming Bar PC had a very long discussion regarding the siting of the basin because the positioning of the basin did not make any sense due to any over flow from the tank would need to be pumped up to the basin because it was on higher ground.
- 4.2 Yorkshire Water – with regard to the initial scheme, Yorkshire Water stating the following:

On the Statutory Sewer Map, there is a 225 mm diameter Yorkshire Water maintained overflow pipe recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. A stand-off distance of 3 (three) metres is required at each side of the sewer centre-line. i.e. a protected strip width of 6 metres.

The site layout details submitted on drawing 17T2182-102 (revision P1) dated 21/06/2018 that has been prepared by Billingham George & Partners are NOT acceptable to Yorkshire Water as it appears that the detention basin will be installed over the line of public sewer crossing the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I

strongly advise that, prior to determination of this application; the site layout is amended to allow for adequate protection of the sewers.

A re-submitted drawing should show the site-surveyed position of the public sewer crossing the site and the required building stand-off from public sewer, or an agreed alternative scheme such as an agreed diversion of the pipe. A proposal by the developer to alter/divert a public sewer will be subject to YW requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

With regard to the revised scheme, they have advised that a condition regarding no piped discharge water from the development shall be carried out prior to the completion of the surface water drainage works. With regard to waste water, they have stated that while the revised position of the basin is now acceptable (three metres away from the Yorkshire Water maintained overflow pipe), the drainage details submitted on drawing 17T2182-102 (revision P3) dated 06/09/2018 that has been prepared by BGP require clarification.

a) the submitted drawing should show surface water drainage proposals both on and off site. The applicant must note that this surface water network will not be adopted by Yorkshire Water given the presence of the perforated overflow pipe. This is due to the risk posed by land drainage entering the network.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team.

- 4.3 Environment Agency – no comments to make. Changes to the Planning Practice Guidance (Flood Risk) and the new DMPO which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development.
- 4.4 North Yorkshire County Council SUDS – The County Council has latterly been consulted on the revised drawings and at the time of writing their consultation response is awaited.
- 4.5 Public comments – 3 letters of support and 3 letters of objection have been received from local residents. These are regarding the initial scheme and the revised scheme.

A summary of the letters of support include:

- The construction of the detention pond on what is currently unused land, provides a practical solution to the issue. The construction of the pipe to the rear of my does not cause me any concern, so long as it is done in a way as to not damage any adjoining land.
- This is the best solution for a situation that has gone on long enough and affected several families.
- have no problems with a pipe running at the back of my property to the new detention pond. The site of the new detention pond is currently unsightly waste land and having the detention pond there can only be an improvement. Water will only be present after a massive storm occurrence and so won't be of danger the rest of the time.

A summary of the letters of objection include:

- There is a possibility of stagnant water which can have a nasty smell and carries an abundance of flies
- In the event of a flash flood and a breach of the so called storage area, has the applicant considered how many properties will be affected by flood water?

- Concerns that the volume of water will exceed the planned limits and will turn the basin into a pond
- Prefer the development to be in the estate rather than behind my bungalow
- Surplus soil should be removed from the site and there should be written agreement of this
- The high water table will make the proposed design unfit for purpose and will simply shift the flood risk elsewhere

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) Principle of development; (ii) Residential Amenity; (iii) Flooding and Drainage

Principle

- 5.2 Policy DP6 of the adopted Development Policies DPD states that: “Proposals for new development must be capable of being accommodated by existing or planned services (whether supplied by utility providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. These systems will include off-site service infrastructure, surface water, sewage disposal, water and sewerage facilities, flood risk defences and control facilities, power and any other public services.”
- 5.3 The proposed development is considered to be necessary in order to ensure protection from flooding for the residents of the existing recently completed development and other residential properties in the vicinity.
- 5.4 In case of exceedance flow from the attenuation tank, predicted in anything above the 1 in 30 year event, the detention basin would introduce an additional control by diverting excess surface water into the detention basin. Once the event has passed, the water held in the basin would drain back into the system and discharge through the normal surface water arrangements.
- 5.5 There are no significant changes to the ground levels. There are limited public viewpoints of the detention basin from public vantage points. The boundary treatments of a post and rail fence are considered appropriate to the village context. It is considered that the proposal will not harm the immediate locality.

Residential Amenity

- 5.6 Policy DP1 of the adopted Development Policies DPD requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. This policy stipulates that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings and not unacceptably affect the amenity of residents or occupants.
- 5.7 The proposed development close to neighbouring dwellings is considered to be relatively minor and will not have any significant detrimental impact on the amenity of neighbouring residents.
- 5.8 The gently sloping sides to the basin mean that any person entering the basin when it contains water will be aware of increasing depth of water rather than stepping into deep water, if the sides were steeper.

Drainage and Flooding

- 5.9 The County Council SUDS team, as Lead Local Flood Authority, has been consulted on the revised layout. Their response will be reported to Planning Committee through the Committee up-date.
- 5.10 The purpose of the attenuation basin is to provide storage volume in the event of rainfall volumes that exceed the surface water storage volume available in the underground surface water piped sewerage system.
- 5.11 From a technical perspective the characteristics of the design are tried and tested and so should ensure that the basin is dry when not used for storm surface water storage. The basin will dry out rapidly once the stored storm surface water has drained away.
- 5.12 Subject to the views of the County Council SUDS team, the proposed development is considered to be a sensible and well designed response to the issue of surface water management for this site.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be commenced within 6 months of the date of this permission. The development shall then be completed within 2 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 17T2182-102 Rev P3 and 17T2182-103 P2 received by Hambleton District Council on 13 September 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that local properties are adequately protected.

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) DP1, DP6 and DP43.

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Parish: Aldwark
Ward: Easingwold
2

Committee date: 18 October 2018
Officer dealing: Mrs C Strudwick
Target date: 26 October
2018

18/00209/FUL

**Construction of two detached dwellings and garages together with ancillary external works, drainage and landscape
At land adjacent to Beechcroft Farm, OS Field 7556, Aldwark
For Keepsake Homes Ltd.**

This application is referred to Planning Committee as the application is a departure from the Development Plan and was deferred at the meeting of 26 July 2018 for a flood risk assessment and further consideration of the proposed access

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a field to the south east of Beech Tree House with Beech Croft Farm and Fold House to the east of the application site. The application site is generally grassland but there is an area of seasonal standing water/pond at the front of the site. The land is at its highest point in the area at the eastern corner of the site, at 19.66. The land falls by more than 1 metre towards the west boundary of the site. The site is bordered by a hedgerow to the front of the site and whilst there is a fence to Beech Tree House, other parts of the boundary are open and wire fencing.
- 1.2 The application proposes the construction of two traditionally designed detached four-bedroomed houses with detached single garage. A single access point for both dwellings is proposed off the Main Street.
- 1.3 Aldwark has no adopted Development Limits and is classed as an Other Settlement in the adopted Settlement Hierarchy; the application site is located within the Aldwark Conservation Area. Beech Croft Farm is a Grade II Listed building. Further to the south are St Stephen's Church and its walls and gate which are also a Grade II Listed building and structure.
- 1.4 There have been several sets of revised plans to address the surface water drainage in the area, and a revised set has been proposed addressing the concerns of Members since the deferral at Planning Committee on 26 July 2018. The application is supported by a Design and Access Statement and an updated Drainage Statement to address the drainage concerns raised by neighbours, Parish Council, Officers and Members.
- 1.5 Members undertook a site visit in April 2018.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 94/50034/O - Outline application for the construction of a detached dwelling; Refused 4 March 1994, Appeal Dismissed 23 August 1994.
- 2.2 06/01699/FUL - Creation of a new vehicular access; Refused 27 September 2006.
- 2.3 13/01807/FUL - Construction of a field gate and vehicular access into agricultural land; Granted 1 November 2013.
- 2.4 16/00520/FUL - Construction of a dwelling; Refused 31 August 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Practice Guidance
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – supports the principle of the development but expresses reservations:

- The information on how ground and surface water on the site will be dealt with is inadequate; additional information is required in order for approval to be given; and
- It is disappointing that the proposed development is for two large executive houses, rather than providing more affordable homes.

4.2 Highway Authority – No objection subject to conditions.

4.3 Yorkshire Water – No objection subject to conditions.

4.4 Public comments – There have been 12 formal observations submitted over the course of the applications, from the occupants of 3 nearby dwellings: Beech Tree House, The Old Post Office and Hollyhock House. These raised concerns relating to surface water flooding to the neighbouring dwellings and particularly the removal of what is considered a sustainable drainage area.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development; (ii) impact of the proposal on the character of the Conservation Area and matters of design; (iii) residential amenity; (iv) the impact on highway and pedestrian safety and parking provision; and (v) surface water and drainage, including matters raised by objectors.

Principle

5.2 Aldwark is an Other Settlement within the Settlement Hierarchy set out in policy CP4 and in the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, which applies to any site in Dalton, unless one of six exceptions can be applied. The applicant has not claimed any of the six exceptions and none are considered to

apply, therefore the proposal is contrary to the Development Plan and planning permission should be refused unless other material considerations provide sufficient support for it.

- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
- 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 The IPG states that small scale development adjacent to the main built form of such settlements "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IGN advises that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. With settlements on the edge of the Local Planning Authority area, consideration will be given to their relationship to settlements in neighbouring Districts and the National Park.
- 5.6 The village is 3.3km from both Alne and Great Ouseburn (Harrogate District) therefore over the typically prescribed 2km from amenities and facilities that would result in the village being considered a sustainable development but some development may be considered acceptable. Aldwark has an active church; St Stephens, a children's play area, a successful pub, which has recently been granted permission to expand the restaurant and establish hotel facilities; the village also hosts Aldwark Manor which has a gym, swimming pool and golf course which can be accessed via membership or single day pass for people locally. Adjacent to Aldwark Toll Bridge is the Central Yorkshire Scout Activity Centre which offers water-based activities and residential training courses, as well as a traversing wall and archery activities.
- 5.7 Reliance Motor Services operate a bus service from Aldwark to Easingwold 6 times a day and to York 5 times a day. This bus also calls in at neighbouring villages, including Flawith where there is a veterinary surgery. Whilst not within the prescribed

2km distance to a sustainable settlement, as set out in the Hambleton Settlement Hierarchy of CP4 Aldwark is fortunate in its central location to the sustainable settlements of Alne (secondary village), Tollerton (secondary village), Linton on Ouse (service village) and Newton on Ouse (clusters with Linton on Ouse to be considered a sustainable location), and its own host of facilities within Aldwark village and its regular bus service.

- 5.8 Applications should also be considered in relation to the second criteria (i.e. development being small scale) or where development results in incremental and organic growth or meets a particular need. This proposal would be an infill between properties and would not lead to the coalescence of settlements. There have already been three dwellings approved within the village under the Interim Policy Guidance (15/00694/FUL) where Aldwark was considered a sustainable location due to the ability to cluster with Alne, Great Ouseburn and Linton-on-Ouse.
- 5.9 In terms of the other criteria of the IPG, the impact on the character of the area and natural environment and the capacity of the local infrastructure are discussed below.

Character of the area and Conservation Area

- 5.10 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.11 The application proposes two, two storey dwelling and whilst large, the proposals are a similar size to dwellings in the immediate area, replicate the predominantly linear form of the village and include architectural details such as gable ended roofs, gable end brick chimneys, brick header and stone cills, timber window frames and simple pitch roof porches which would mean that the proposals would be, on balance, in keeping with the character of the area and would preserve the character and appearance of the Conservation Area. There would be adequate separation to neighbouring listed building to the south, Beech Croft Farm to ensure that there is no harm to the setting of the listed building.
- 5.12 The site is characterised as a topographically low area, which acts as a storage area for surface water run off. This makes this area less suitable for grazing or arable farming. The area has also been used for the dumping of soil which has resulted in a very uneven site with tussocks of soil and rough grasses. The area, during winter and wet periods, as a result, can look unmanaged, impacting negatively on the Aldwark Conservation Area. There is a mature hedge to the front boundary which screens the site.
- 5.13 The introduction of an appropriate drainage scheme will relieve the surface water flooding issues in this area, and appropriate development will replace the informal flood water storage area. Whilst the site is a green space which breaks up development within the Conservation Area, this green space does not contribute significantly to the visual attractiveness of the Conservation Area due to its frequent flooding and unmanaged appearance. The surrounding land is typically in residential use and more actively managed as gardens and these spaces contribute greatly to the quality of the character and appearance of the Conservation Area. On balance it is considered that the design and future residential use of the site will result in an enhancement of the Aldwark Conservation Area.

Residential amenity

- 5.14 The proposals are set back from the road to accommodate the underground 22m², of cellular water storage at 0.5m deep. The impact of flooding and drainage is the principle concern with regard to the amenities and the concern raised by local residents, this is discussed below in paragraph 5.20 onwards.
- 5.15 In physical terms the proposed development nearest existing development would be in line with the front elevation, and the southern plot would be set deeper into the site. Therefore the impact on the neighbouring property is carefully considered. The proposals would be set off the boundary and include limited windows in the side elevation. Plot one has one small ground floor window on the elevation facing Beech Tree House, it is considered that this window will not give rise to a harmful loss of neighbouring amenity and as such it would not be appropriate to condition that it is to be obscure glazed. Both proposed dwellings have first floor bathroom windows on the side elevations which face one another. It is not marked as to whether these windows will be obscured glazed but it is recommended that the use of obscured glazing in this opening is conditioned. On balance it is considered that the proposals would have a satisfactory relationship to neighbouring properties and would not introduce a loss of residential amenity. As such the scheme meets the tests of DP1, in that it adequately protects amenity, particularly privacy, security, noise, access to daylight and protects against disturbance, pollution and odours.

Highway and pedestrian safety and parking provision

- 5.16 The application proposes to access the site from a single point off the Main Street. The detail of the access and the access point have been given careful attention due to the known flooding issues and highways have recommended a condition which will ensure surface water is not discharged onto the highway.
- 5.17 The access point separates into two private drives which curve away from each other. This provides ample space for vehicles to reverse and be able to exit the site in forward gear the scale of on-site parking provision is at an appropriate level, it is recommended by the highway authority that the future retention of parking and turning spaces are conditioned.
- 5.18 The pedestrian footpath runs along the front of the site and continues north and south, providing safe dedicated pedestrian access to the rest of the village and facilities.
- 5.19 There is no objection to the scheme from the Highway Authority. Overall it is considered that there would be no significant or material harm to the highway network, subject to the implementation of the recommended conditions. It is considered that the Main Street through Aldwark has the capacity to accommodate the additional traffic associated with the development.

Surface water and drainage

- 5.20 The further key issue is the known flooding issues and the lack of drainage infrastructure. The current situation is that there is often standing water on the application and that the area of ponding expands in heavy rainfall.
- 5.21 A previous application, 16/00520/FUL, for a single dwelling was refused for the following reason:

The proposal is contrary to the Local Development Framework Policies CP1, CP4, CP21, DP6 and DP43 and NPPF paragraph 103 due to the unknown pipework and drainage infrastructure and in the absence of a suitable and viable drainage system the proposed development would not ensure protection from flooding to the

application site or neighbouring properties and no suitable mitigation measures have been identified to overcome the harm that would arise from the development.

- 5.22 Currently surface water from land to the north and east of the site drains towards the proposed dwellings. When a visit was made to site there was an area of standing water across the site frontage, stretching from the boundary with Beech Tree House (to the north) and the opposite boundary with Beech Croft Farm (to the south).
- 5.23 If no measures were put in place to manage the surface water drainage of the site, there is potential for flood water to be displaced from its current natural accumulation point, and increase risk of flooding to neighbouring properties to the north, including Cherry Tree House which is the lowest property however it may also collect around Beech Tree House, The Old Post Office and Hollyhock House.
- 5.24 To address the flood risk measures have been proposed in the applicants' consultant's report by ARP Associates including details in the "Statement on Drainage proposals and future maintenance". These are summarised:
- Surface water draining from the rainwater goods will be discharged into the water course (the River Ure) via a new private drain laid along Main Street (within the Public Highway). There is an existing outfall into the watercourse at the junction opposite the Aldwark Arms, and the gravity line is to connect with this to avoid an additional outfall. This existing drain, watercourse and outfall is managed by the Kyle and Upper Ouse Internal Drainage Board.
 - A 150mm diameter perforated pipe in a gravel trench is proposed across the rear of the two proposed dwellings to intercept surface water run-off from an area of 0.035ha using an greenfield run off rate of 1.4 l/s/ha. This is then to connect to the drainage outfall as above.
 - Two low points are to be established, one at the rear of the proposed properties and one to the front to ensure any surface water is captured, via a land drain cut off system (a 150mm perforated pipe in gravel trench) which will connect into the private surface water drainage system.
 - A 22m² cellular storage unit (10.3m³) is to be sunk into the ground at the front of the two proposed dwellings. This is to store any excess water draining from the rainwater goods of the dwellings. Initially the surface water will be passed through a control point with a rate of 3 litres per second. If the flow rate exceeds 3 l/s water is routed through the silt trap into the cellular storage, the stored water will be held until the rate in control point falls under the 3 l/s, at which time the stored water will be released to discharge to the new private drain.
- 5.25 Additional measures to address the concerns raised at Planning Committee include:
- A flow control has been added to the cellular storage, which, in the event of the scheme being overwhelmed beyond its design capacity, will allow the water to discharge above the 3 l/s (approximately 15 l/s) which will protect the proposed properties and neighbouring properties from being flooded. Given that the scheme is designed to manage up to a 1 in 100 year storm event plus 30% allowance for climate change it is considered that the design capacity is unlikely to be overwhelmed.
 - The levels of the gardens are proposed to be lower than the adjacent Beech Tree House to avoid any surface water run-off into third party land. It is recommended the provision of full levels details is conditioned.

- Permission has been secured from the IDB for the outfall of the drainage system to discharge into the Kyle and Upper Ouse IDB managed water course.
 - Details of a control manhole has been submitted which would prevent the backflow of water into the site from the IDB watercourse in the event of flood.
- 5.26 It was queried at the planning committee meeting what type of watercourse it is at Aldwark. The watercourse is an open drainage channel which cuts through the fields to the river Ure.
- 5.27 This final drainage scheme has been arrived at though several rounds of discussions between the council's drainage engineer and the applicant's drainage engineer 'ARP Associates'. It is now considered that the proposal drainage scheme would provide adequate protection from surface water flooding both of the new dwellings and would ensure that this flood risk is not transferred to the neighbouring properties. As well as the drainage scheme plans, the applicants drainage engineer has compiled a drainage statement which outlines how the on-site drainage scheme will be maintained in the future to ensure it remains fit for purpose and its failure does not pose a risk to property nearby.
- 5.28 This drainage statement has been amended to include a narrative on how the drainage scheme will operate and effectively protect neighbouring properties from displaced or increased flood risk. It is considered that this drainage scheme will mimic the natural land flow of surface water which currently happens on site, albeit, the water will discharge at a slighter faster rate. However, surface water currently will flow towards the road and also towards Beech Tree House, through the soil. Through capturing the water at the rear of the proposed dwellings water will not be permitted to flow through the soil.
- 5.29 At the time of the committee meeting in July 2018 the drainage statement did not include details of maintenance of the proposed new off-site drain which will run from the site, along Main Street to the existing drain opposite the Aldwark Arms pub. This still has not been fully explained and it is recommended that a pre commencement condition is attached which requires details to be approved of how this will be maintained.
- 5.30 There are no details or measures within the drainage scheme which would direct water to the neighbouring properties. There is the possibility that the drainage proposals at the rear of the proposed dwellings will capture some of the surface water which currently runs off into the rear gardens of Beech Tree House and The Old Post Office and so achieving a planning gain. It is considered that the proposed drainage scheme complies with the principles of flood risk management; in that it comprehensively manages the flood risk on site without increasing the risk of flooding elsewhere.

Planning balance

- 5.31 The provision of an additional dwelling on a site that detracts from the character and appearance of the Conservation Area would achieve social and environmental benefits. The impact of flooding can be addressed by the proposals and may result in some reduction in flooding to neighbouring properties and would be a further benefit of the scheme. These gains outweigh any harm arising from the impacts of the construction of a new dwelling.

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 1055/16/05F and 1055/16/08B; received by Hambleton District Council on 19th June 2018; and 660/01A received by Hambleton District Council on 27th March 2018; and 660/02, 660/03, and 660/04 received by Hambleton District Council on 31st January 2018; unless otherwise approved in writing by the Local Planning Authority.
3. The scheme shall be carried out in accordance with the Drainage Statement, prepared by ARP Associates, and received by Hambleton District Council 9th July. Thereafter the scheme shall be maintained in complete accordance with the approved statement and drainage plans 1055/16/05G and 1055/16/08B. A device to prevent back-flow of water shall be installed prior to the laying of the remainder of the new surface water sewer, in accordance with plan 1055/16/12 Rev A, received by Hambleton District Council 18 September 2018.
4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
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: (d) The crossing of the highway verge and footway shall be constructed in accordance with the approved details and Standard Detail number E6VAR; (e) Any gates or barriers shall be fixed so as not to be able to swing over the existing highway; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. No dwelling shall be occupied until the related parking and turning facilities have been constructed in accordance with the approved drawing reference 660/01. Once created these parking and turning areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. 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; 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.
9. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.
10. 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 or ground levels be varied from the details shown on drawing 1055/19/05 Rev G 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.
11. All first floor windows on the south-east (plot 1) and south-west (plot 2) elevations of the dwellings shall at all times be glazed with obscured glass.
12. Prior to commencement, full constructional details for the provision and maintenance of the off-site surface water drainage, which will include the pipe from the site to the IDB managed drain and the IDB watercourse to the outlet into the river Ure, shall be submitted to, and approved in writing by Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the approved details.

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, DP32, CP21 and DP43.
3. To ensure the scheme does not result in surface water flood risk elsewhere.
4. In the interests of highway safety
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 provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. To ensure that the 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.
10. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of flood risk, the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
11. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
12. To ensure the scheme does not result in surface water flood risk elsewhere and in accordance with the Local Development Framework Policies CP21 and DP43.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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

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

Parish: Alne
Ward: Easingwold
3

Committee date: 18 October 2018
Officer dealing: Ruth Hindmarch
Target date:

18/00995/FUL

**Demolition of existing storage sheds and construction of five detached houses with associated garages and access road
At Old Station Yard, Station Road, Alne Station
For Mr A Adamson & Mrs S Adamson**

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

Consideration of this application was deferred at the meeting of 23 August in order to address concerns regarding noise and safety.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is the former station yard at Alne Station, to the south west of the East Coast Main Line and east of Station Road and at the northern end of Alne Station. Alne Station is a separate settlement from the village of Alne, which lies approximately 650 metres to the south west by road.
- 1.2 The application site has a long standing use for storage and distribution associated with a stonemasonry business. There are a number of buildings on the site of a commercial nature, including storage containers associated with the business currently operating from the site. These buildings contrast with the neighbouring dwellings.
- 1.3 The adjacent railway and associated land forms, together with an existing vehicular track, form the eastern boundary of the site. To the south of the site is a commercial premises with residential properties beyond. The western boundary consists of fencing and planting, beyond which is the highway, and to the north is an embankment and a bridge which takes the highway over the railway line.
- 1.4 Permission is sought to remove the commercial buildings on the site, form a shared drive parallel to Station Road and erect five detached dwellings in a linear arrangement to the west of the drive with middle three properties fronting the drive and backing onto Station Road. A further property would form the end of the cul-de-sac with its principal elevation fronting south and its rear elevation facing north, the remaining property would be located close to the entrance to the development and would also have its principal elevation facing south and rear elevation facing north.
- 1.5 There is a change in level up to the highway and existing planting that could be supplemented along the boundary to provide screening of the rear elevations and garden areas. The scheme includes a three-bedroom bungalow, a two-bedroom bungalow and three three-bedroom houses.
- 1.6 A previous scheme was refused as no justification had been provided for the loss of employment land and the proposal did not address housing need in the area as it was for larger detached dwellings. This revised scheme provides marketing information relating to the site and justification for its loss and the housing mix has been amended to better reflect local housing need.
- 1.7 Following deferral of the application at committee in August the applicant has submitted an updated noise report and layout to show the development is acceptable

in terms of noise from the adjacent railway. Clarity has also been provided regarding the site boundary fencing and gate to ensure residents do not have access to the railway as concerns were raised regarding the safety of residents at the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 83/1026/CAP – Certificate of alternative use proposed – Use of land as a builder’s yard and construction of an office building; Granted 8 December 1983.
- 2.2 84/0431/FUL – Building for the storage of timber; Granted 27 September 1984.
- 2.3 85/0846/OUT – Outline application for a dwelling with domestic garage; Refused 25 July 1985, appeal allowed 9 April 1986.
- 2.4 88/0187/FUL – Garage/workshop building for use in connection with haulage business; Granted 4 October 1988.
- 2.5 99/50046/P – Revised application for a storage and distribution building with associated office accommodation; Granted 27 September 1999.
- 2.6 17/00382/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road; Refused 1 June 2017

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 – Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP17 – Retention of employment sites
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, Type and Tenure of New Homes
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection, although concern has been raised with NYCC Highways regarding the formation of ice on the slope down from the bridge causing cars to slide out of control. This will directly affect the proposed access and should be addressed as part of the application.

A question has been asked as to whether the County Archaeologist would be recording the site prior to any works taking place.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – Advise following consideration of the September 2018 Acoustic Report that provided the mitigation measures detailed within Section 5 of the acoustic report, including separation distance from the railway line, orientation of the buildings, internal layout, use of enhanced glazing with acoustic ventilators, bedroom ceiling construction, acoustic screening at the boundary of the site and at the perimeter of garden areas are applied, I believe this can be achieved and would have no objections.
- 4.4 Contaminated Land Officer – No objection subject to conditions.
- 4.5 Network Rail – No objection subject to conditions but raises questions about land ownership. (Officer note: the location has been plan amended to reflect these comments).
- 4.6 Yorkshire Water – No objection subject to conditions.
- 4.7 Kyle & Upper Ouse Internal Drainage Board – No objections subject to conditions. The application may increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the site.
- 4.8 Ministry of Defence – No safeguarding objection.
- 4.9 Environment Agency – No comments received.
- 4.10 Public comments – one letter of representation raising concern over potential visitor parking on Station Road.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) flooding; (iii) contaminated land; (iv) noise; (v) ecology; (vi) housing mix, (vii) design; (viii) heritage assets; (ix) highway implications and (x) residential amenity.

Principle

- 5.2 AIne Station lies beyond the Development Limits of the settlements listed in Policy CP4, which states that all development should normally be within the Development Limits of settlements. 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 would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG details how Hambleton District Council will now

consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 In the Settlement Hierarchy contained within the IPG, Alne Station is defined as an Other Settlement. Alne is approximately 650m away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two villages and access to bus services. Alne and Alne Station are identified as cluster villages within the IPG due to their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site has most recently been used as a stone mason's yard which provided employment to the two owners of the company. The use of the site for this purpose is very limited with the business owners now operating the company from another site within the district. No evidence has been submitted to suggest that the business could not continue to operate without using the site. Policy CP12 of the Council's Core Strategy seeks to support and sustain the economy of the District and policy DP17 seeks to achieve this by retaining employment sites unless material considerations indicate an exception can be made – such as: the site is no longer viable; or redevelopment would facilitate a new site to sustain an existing business.
- 5.6 In order to comply with policy DP17 the applicant has submitted information relating to marketing of the site as point ii of DP17 states that permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted unless evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future.
- 5.7 As stated above, the site's current use for employment purposes is limited. The information submitted with the application shows the site has been marketed since 25 September 2017, with little interest and the property consultants received limited telephone and email enquiries. The initial marketing of the site finished after seven months. This time period was not considered sufficient and the applicant was asked for further information and evidence to show there is no demand for this site to be retained for employment use. The site was marketed again from June 2018 and is still being marketed at present, the information submitted states that following the re-launch of the marketing no further enquiries have been received.
- 5.8 The submitted report from Blacks Property Consultants states the property was added to the website and email notification was sent to relevant companies and individuals, a 'For Sale' board was erected in a prominent roadside position and Hambleton District Council were notified of the availability to enable the property to be logged on the property database. The information also states there are a number of features of the site which the applicant does not consider "market friendly", for example the shared entrance and proximity to dwellings, and there is a general lack of interest in this property. The property consultant also states there is ample supply of alternative property and locations within Hambleton District.
- 5.9 The proposal identifies criterion iii of DP17 as also applicable in this case, whereby planning benefit would be achieved by removing a use that could cause residential amenity problems. However, there is no evidence that the current use of the site has caused amenity problems or that an alternative employment use would cause significant harm and the applicants' transport statement concludes that traffic generation from the proposed five houses would be greater than when the stone mason's business was in full operation and there would therefore be no lesser impact on amenity in these terms. It is therefore considered the proposal could not be justified solely on criterion iii of DP17.

- 5.10 The site is considered to be a small scale employment site which is currently in very limited use; it is under one hectare and is not allocated for employment use. Residential redevelopment was previously refused as no justification had been provided for its loss in terms of DP17; however, the marketing information now submitted demonstrates there is no demand from other employment users of the site. Given the scale of the site and the submitted evidence it is considered that on balance the loss of this employment site would not have a significant detrimental impact on the level of employment land available within the district.

Flooding

- 5.11 The majority of the application site, in particular the land on which proposed houses would stand, is within Flood Zone 1, an area considered of the lowest flood risk by the Environment Agency. However, parts of the site, including the access, are within Flood Zone 2, assessed to be an area of medium flood risk. As the housing would be within Flood Zone 1, a sequential test is not required; however an assessment of the impact of the proposal on flooding elsewhere or the potential for the access to flood is required.
- 5.12 The applicant identifies that the access and egress to Station Road will remain in the current position, partly within Flood Zone 2, and that Flood Zone 2 areas are above the “design flood” level of a 1 in 100 year flood event, and therefore that safe access and egress will be available to and from the proposed development.
- 5.13 A suitable means of surface water drainage must be introduced to the site. The requirement to submit drainage proposals, including details of their future management, can be required by the imposition of planning conditions and would ensure surface water flooding is not worsened by the proposal.

Contaminated Land

- 5.14 The application is accompanied by a desk based Phase 1 assessment of contamination, which recommends a further investigation if development goes ahead and this is supported by the Environmental Health Officer’s advice. A suitable condition to require those works to be carried out and findings submitted to the Local Planning Authority for approval can be attached.

Noise

- 5.15 The location of the proposed development adjacent to the East Coast Main Line gives cause for concern regarding the potential impact of noise on the amenity of future occupiers. Submitted in support of the application is a noise assessment that concludes suitable attenuation measures could be introduced to achieve appropriate living conditions for occupants. The originally submitted report was not site specific, subsequently a further assessment was carried out and an updated noise report submitted on 24th September 2018. The report has assumed that the new homes will be approximately 20m from the nearest railway track and makes recommendations for mitigation measures to ensure there are acceptable noise levels both inside and outside the dwellings.
- 5.16 The use of close-boarded timber fencing to provide an acoustic barrier is proposed along the eastern site boundary. This fencing will be 1.8m along the boundary in front of plots 1-4 and will rise to 3.0m along the boundary of plot 5. There are also 1.8m high barrier fences positioned within the individual plots at the entrances to the rear garden areas. The report states that through the use of this fencing (of a minimum 18mm thick with no air-gaps) noise levels within the garden amenity areas will be acceptable, noting the fences “are expected to be sufficient to achieve daytime sound levels around 55DBL_{Aeq} in the rear garden areas”.

- 5.17 In terms of noise within the dwellings themselves the mitigation measures required relate to suitable room ceiling and external wall construction to provide sound insulation together with the use of specific glazing for further insulation particularly on the eastern elevations of the dwellings and acoustic ventilators.
- 5.18 The Environmental Health Officer has raised no objections on this basis but has stated the mitigation measures detailed within the noise report must be provided and adhered to; this can be controlled by condition.
- 5.19 A commercial building used for storage and distribution would remain adjacent to the site. While the introduction of dwellings in this location could conflict with the commercial use, there is nothing to suggest the operation presently causes a noise nuisance to existing neighbours or that this is likely to change in the future and the Environmental Health Officer has raised no concerns in that regard.

Ecology

- 5.20 The application is accompanied by a bat and breeding bird and barn owl scoping survey that assesses the buildings proposed to be demolished. The report finds there is a lack of evidence to suggest any use by bats in the buildings with building 1 having the most potential for bat roost but this is still considered to be low. It is recommended that following the scoping survey that has been completed a summer emergence survey should be carried out prior to demolition. The report concludes the risk of bat usage is limited and if bats were to be found in a summer survey, mitigation and licensing would be straightforward. The method statement recommended within the report refers to the summer emergence surveys, recommends that if bats are found to be present further advice should be sought regarding the need to apply for a Licence. The report also states that work should either be carried out outside of the bird breeding season or checks should be made for active bird nests and work carried out outside of the breeding season if nests are discovered. Overall this proposal is not considered to detrimentally affect protected species and implementation can be suitably managed so as not to have a detrimental impact on biodiversity.

Housing mix

- 5.21 The previously proposed development consisted of five detached dwellings each of four bedrooms, although the house types varied and there were different floor areas. However, the variations were not considered substantive and the scheme was considered as being for larger family homes.
- 5.22 Policy CP8 requires applications for housing to take account of local housing need in terms of the size, type and tenure proposed. Policy DP13 supports this and requires developers to work collaboratively with the Council in determining the appropriate housing mix. There is an identified need within the district for two and three-bedroom properties, the housing mix has been amended and the development consists of one two-bedroom bungalow, one three-bedroom bungalow and three three-bedroom houses.
- 5.23 The Council adopted a Supplementary Planning Document on Size, Type and Tenure of New Homes in September 2015 and has an up to date Strategic Housing Market Assessment (updated report published September 2016). Both identify the need for smaller housing units to address the shortfall across the district. Given the proposed housing mix it is considered the proposal complies with policies CP8 and DP13 in this respect and the revised housing mix is acceptable.

- 5.24 The LDF Policy CP9 requires that schemes other than in Service Centres of 2 units or more or sites of 0.1ha or more must make provision for an element of affordable housing with the proportion of affordable housing set at 40% or 50% depending upon the location of the development relative to the Service Centre and its hinterland. Following the publication of the Ministerial Statement of November 2014 relating to affordable housing a Council resolution in July 2016 has had the effect of changing the threshold of CP9 to require the provision of an element of affordable housing on schemes of 6 units or more.
- 5.25 The NPPF 2018 is the most up-to-date statement of Government Policy and withdraws the Ministerial Statement. The NPPF 2018 is a material consideration and is to be considered in reaching a balanced planning judgement. The resolution of the Council of July 2016 continues to be the policy of the Council and the threshold for the provision of affordable housing on sites other than in Service Centres remains 6 (or more) dwellings.

Design

- 5.26 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."
- 5.27 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.
- 5.28 The National Planning Policy Framework supports this approach and, at paragraph 130, 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 128 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."
- 5.29 The Council's Statement of Community Involvement, adopted in 2013, requires applications for proposals that depart from the Development Plan, which this scheme does, to explain how public comments have influenced the chosen design. The Design and Access Statement does not refer to community consultation having taken place or informing the proposed design. Nor does the statement say whether alternative development options were considered; however a previous submission for pre-application advice proposed a much larger scale of development that has been revised following officer advice.
- 5.30 The Planning Statement, incorporating a Design and Access Statement, describes the character of the surrounding area as predominantly residential. In this regard there are a mixture of types and styles of properties, ranging from detached brick bungalows with concrete roof tiles to detached two-storey properties with rendered walls and grey slate roof. It is considered the properties in the area vary in style and period with no architectural style defining the character. The applicant has stated the dwellings would be constructed of red brick with a mixture of natural grey and blue

slate roofs and natural red clay pantile roofs. There is a mix of materials in the area and in order to assess the suitability of the proposed materials samples should be requested for approval through condition.

- 5.31 The proposed dwellings would appear appropriate to the location. Features such as porches and chimneys have been included, as well as soldier courses and stone sills to windows that provide detailing to enhance the overall design. The proposed dwellings are to be detached with moderate gardens and it is considered to be in keeping with the character of the area and would not detract from it.
- 5.32 No built site features worthy of retention are identified, reflecting the poor quality of some of the buildings on the site that vary in style, materials and appearance but are principally of a basic nature suited to their commercial purpose but not reflecting the character of the surrounding residential properties in the vicinity. The lack of quality of the building does not mean that there is no heritage interest in the site and this factor is considered later in this report.
- 5.33 The proposed layout allows for a density of development that reflects the surrounding area, providing suitable garden space for each property as well as in-curtilage parking, visitor parking and a refuse and recycling collection point. The layout does however give limited aspect to the main road with rear gardens being adjacent to the site boundary and the provision of rear elevations and gardens adjacent the boundary is considered to be acceptable in this instance due to the site levels and existing landscaping features. The site levels rise up towards the highway and there is dense hedging in place that will provide screening of the proposed development. The retention of the existing hedging and provision of supplementary planting can be achieved through condition and this would ensure sufficient screening of the development is provided.

Heritage assets

- 5.34 There are no listed buildings on the site, which is not within a Conservation Area. The Parish Council asked whether the County Archaeologist will be inspecting the site. The County Archaeologist has provided comments on the application and states the developer has acknowledged within the submission that the goods shed is a heritage asset of local interest. It is acknowledged that retention of this building would be desirable and the agent was approached about its possible retention. They have stated that the building is not viable for modern commercial use, as the marketing exercise has demonstrated, and conversion to another use has been ruled out for similar reasons. On balance the building is not considered to be of such significance that it should be retained. The Archaeologist agrees that should planning consent be granted that the building, and its immediate environs within the development area, should be subject to archaeological recording. This can be secured via planning condition.

Highways

- 5.35 The Highway Authority raises no objection subject to conditions relating to the appropriate visibility splay, precautions to prevent mud on the highway, on-site parking and storage during development and implementation of the access, parking and turning areas.
- 5.36 The Parish Council has raised concern over the potential safety of the access during winter when vehicles can slide on ice down the slope from the railway bridge towards the site access. Whilst this is acknowledged, the site access is currently used by the business on the site and Station Road is part of the highway network and will be maintained in the appropriate manor by the Highway Authority.

- 5.37 A neighbour observation raises concern over visitor parking. The site provides sufficient parking for the proposed properties and provides two visitor parking spaces. Station Road has no restrictions in place and visitors could park there if desired, although it is more likely that visitors would park on the internal drive. Given the parking within the site is sufficient and there are no further restrictions in place it is not considered any further assessment is required.

Residential amenity

- 5.38 The proposed development provides sufficient amenity space for the occupiers of the proposed dwellings, which would be sufficiently spaced to ensure there is no significant overshadowing, overbearing or overlooking impact. It is further considered the proposed dwellings are sufficient distance away from neighbouring properties to ensure there is no significant impact on the amenity of neighbouring occupiers.
- 5.39 With regard to noise impact on the proposed occupiers, the submitted noise assessment recommends a 1.8m close boarded timber fence to the east of the site to protect from noise, due to its orientation, the garden to plot 5 would be more exposed to noise from the railway line and therefore a more substantial height of fence, 3.0m in height, would be required to provide suitable mitigation. The siting of plot 5 has been amended to locate it further away from the railway line, this is commended however the front elevation now faces east and would look out onto the 3.0m high barrier fencing. There would remain a gap of approximately 10m between the front elevation and the fencing and the use of planting in front of the fencing would soften its appearance. A landscaping condition will be used to ensure appropriate planting is put in place along the barrier fencing. On balance it is considered the impact of the fencing could be suitably mitigated with planting and its impact on the outlook from plot 5 does not outweigh the benefit it brings in terms of noise attenuation.
- 5.40 The Environmental Health Officer has assessed the proposal and the submitted noise report and provided the mitigation measures are implemented raises no objection. A condition can be attached to ensure the required noise mitigation measures are incorporated into the development.
- 5.41 In terms of concerns relating to safety and the potential for residents to access the railway line, it is noted the barrier fencing will also provide a secure boundary along the eastern boundary. The plans show the fencing will fully enclose the site, there is a gate shown, this is to allow access for network rail, the gate will be locked and network rail will hold a key. Given the site will be securely enclosed it is not anticipated access to the railway will be forthcoming.

6.0 RECOMMENDATION

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

Time Limit

1. The development hereby permitted shall be begun within three years of the date of this permission.

Approved Plans

2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and proposed site layout FO37.02.20 REV D received by Hambleton District Council 09/10/2018, floor plans and elevations for plots 1-4 received by Hambleton District Council on 20/09/2018, and the floor plans and elevations for plot 5 received 24/09/2018 unless otherwise approved in writing by the Local Planning Authority.

Materials

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.

Landscaping

4. No above ground construction work shall be undertaken until, a scheme of hard and soft landscaping works is 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. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

Noise mitigation

5. A scheme of specific noise mitigation measures for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures in the approved noise mitigation scheme shall be implemented and retained unless varied by alternative details which have been submitted to and approved in writing by the Local Planning Authority.

Visibility Splays

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until a splay is provided giving clear visibility of 59 metres in a northerly direction measured along the channel line of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, this visibility area shall be maintained clear of any obstruction and retained for its intended purpose at all times.

Layout

7. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted drawing (Reference F037.02.20 REV D). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Prevention of mud, grit and dirt on the highway

8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

On-site parking and storage

9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals

have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Land contamination

This and the following land contamination investigation, remediation and verification conditions must be addressed sequentially. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required.

10. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4.)
11. No development shall commence until a 'Phase 2' intrusive land contamination site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL2.)
12. No development shall commence until a Ground Gas Investigation and Risk Assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL3.)
13. No development shall commence until a 'Phase 3' land contamination Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL4.)
14. No further development shall commence until the approved land contamination remediation scheme has been implemented.
15. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL5.)

Archaeology investigation and recording

16. (A) 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: (i) the programme and methodology of site investigation and recording; (ii) the programme for post investigation assessment; (iii) provision to be made for analysis of the site investigation and recording; (iv) provision to be made for publication and dissemination of the analysis and records of the site investigation; (v) provision to be made for archive deposition of the analysis and records of the site investigation; and (vi) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

(B) No demolition or development shall take place other than in accordance with the written scheme of investigation approved under part (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Site sections

17. 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.

Ecology

18. The development hereby approved shall be carried out in accordance with the Bat, Breeding Bird and Barn Owl Scoping Survey, dated May 2018, particularly Section 9 Mitigation & Compensation which requires a further bat emergence survey to be completed.

Retention of hedging/planting

19. No part of the existing boundary hedging and planting along the western boundary with Station Road shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved.

Flood Risk Assessment

20. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment & Drainage Strategy prepared by HM Design (received 25th May 2018), unless otherwise agreed in writing with the Local Planning Authority .

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
6. In the interests of road safety

7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In accordance with Policy CP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. To ensure safe development of the site and to protect human health and the environment.
11. To ensure safe development of the site and to protect human health and the environment.
12. To ensure safe development of the site and to protect human health and the environment
13. To ensure safe development of the site and to protect human health and the environment.
14. To ensure safe development of the site and to protect human health and the environment
15. To ensure safe development of the site and to protect human health and the environment.
16. The site is of archaeological significance and contains a building considered worthy of formal recording.
17. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP17 and DP32.
18. To ensure the development does not impact on protected species in accordance with policy DP31
19. In order to soften the visual appearance of the development and provide any appropriate screening
20. In the interest of satisfactory and sustainable drainage

Informatives

1. The Internal Drainage Board current guidelines for any increase in surface water discharge are as follows:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

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.

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk and select "Kyle & Upper Ouse IDB"

2. Contaminated land notes for applicants:

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL3 - Ground gas investigations should have regard to current best practice and the advice and guidance contained in British Standard BS8485, Construction Industry Research and Information Association (CIRIA) "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665) and NHBC "Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present" (NHBC, 2007).

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG November 2017), and "Verification Requirements for Gas Protection Systems, version 1.0 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

3. Network Rail set out a series of requirements relating to rail safety and protection of the assets of the railway. These will be reproduced on the decision notice but for brevity are not shown here.

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

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

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

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

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

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

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Parish: Aiskew

Ward: Bedale

4

Committee Date: 18 October 2018

Officer dealing: Mrs H Laws

Target Date: 26 October 2018

18/01560/FUL

Construction of warehouse and offices

At: Plot 1 Conygarth Way, Leeming Bar Business Park, Leeming Bar

For: Mr Whaley

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the frontage of the Leeming Bar Business Park on the northern corner of Leases Road and the service road to the A1 and is land within the ownership of Hambleton District Council. The site covers an area of 0.56ha and is currently vacant. Timber post and rail fencing bounds the site to all sides with mature, well established hedgerow along the northern boundary; new hedging has also been planted along the eastern boundary. The land is slightly sloping downwards from north to south.
- 1.2 It is proposed to construct a building to be used for Class B8 Storage and Distribution purposes with ancillary offices in connection with a haulage business with associated storage and vehicle servicing. The business currently operates from another location but wishes to re-locate to this site due to better links with the A1 and capacity at the site for future expansion.
- 1.3 The building would be sited towards the eastern boundary of the plot, with car parking and a servicing area accessed from the cul de sac at the western side of the site. The footprint of the building would be approximately 30m x 20m with a ridge height of approximately 9m. The building would be finished in red brick and brown box profile cladding with brown box profile sheeting to the remaining building and roof.
- 1.4 The business currently employs 10 full time staff and there is no suggestion that this would change as a result of the re-location.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The layout of Phase iv of the estate (now referred to as the Leeming Bar Business Park) was approved in 2004.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP12 - Priorities for employment development

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - **no response to date.**
- 4.2 Highway Authority - **no response on additional information**
- 4.3 Highways England - no objection
- 4.4 Natural England - no comments.
- 4.6 HSE - Please refer to SABIC consultation response.
- 4.7 SABIC - the developer must consult SABIC should any work lie within 50m of the Major Accident Hazard Pipeline.
- 4.8 Ministry of Defence - no safeguarding objections
- 4.9 HDC Economic Development Officer - we would support this application as it allows an existing business to re-locate to a more appropriate site from their current location. It will also provide space for the business to expand and, in time, hopefully create additional jobs.
- 4.10 Public comments - none received (expiry date for representations 22/10/2018).

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of the proposed building in this location; (ii) the siting and design of the building and the impact on the character of the area; (iii) the effect on residential amenity; and (iv) highway matters.

Principle

- 5.2 Paragraph 28 of the NPPF states that in order to promote a strong rural economy local authorities should support the growth and expansion of all types of sustainable businesses and enterprise in rural areas both by the conversion of existing buildings and well-designed new buildings.
- 5.3 The site is part of the Leeming Bar Business Park which is within the defined Development Limits of Leeming Bar, a settlement designated in the context of Policy CP4 as a Service Village.
- 5.4 The site is in a sustainable location within a designated Business Park with good communication links. There are no objections in principle to the development, which complies with the NPPF and the LDF policies.

Design and impact on the streetscene

- 5.5 The Leeming Bar Development Brief for Phase IV requires a high standard of design specifically for gateway sites such as the application site. One of Hambleton's

strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 The design is simple and functional reflecting both the office and warehousing uses and which, with the implementation of a landscaping scheme, would enhance the overall appearance of the site.
- 5.9 The proposed materials are similar to other buildings elsewhere on the Business Park. A landscaping scheme requiring peripheral tree and shrub planting will, in due course help to soften the impact of the development.
- 5.10 The proposed floor levels of the development reflect the existing landform and, although resulting in a prominent building on the approach along Leases Road, would not be out of keeping with the surrounding streetscene.

Residential amenity

- 5.11 The nearest residential use to the site is the Pembroke Caravan Park, which lies more than 110m to the south east. It is unlikely that the activities undertaken at the site would adversely affect the amenity of that site to any greater degree than occurs as a result of industrial estate traffic travelling along Leases Road.
- 5.12 The car park and service yard would be accessed from the cul de sac at the far side of the site, which would minimise noise and disturbance to properties on Leases Road.
- 5.13 The service doors face onto the service yard, which is at the western side of the site. Any noise or disturbance associated with the servicing of vehicles would therefore be directed away from the caravan site, and which would also benefit from protection resulting from the position of the adjacent building at Aspen House.
- 5.14 It is not considered that the proposed development would have a greater adverse impact on residential amenity and would be in accordance with Policy DP1.

Highway safety

- 5.15 The Highway Authority has no objections to the proposed development subject to conditions.

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 and thereafter retained.
3. 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 whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 1 October 2018 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.
4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered SITE; and PR01 Rev B received by Hambleton District Council on 26 July and 1 October 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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.
4. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Bagby
Ward: Bagby and Thorntons
5

Committee date: 18 October 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 27 August 2018

18/01132/FUL

Description: Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings
At: Bagby Hall Farm, Bagby
For: Mr T Robson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in the centre of the village of Bagby on the south side of the main road, close to the junction of Church Lane. Bagby is classified as a Secondary Village with the Settlement Hierarchy.
- 1.2 The application site is approximately 0.4 hectares in area, including an existing bungalow that fronts the main road to the north, the farm yard and buildings to the south, a long narrow paddock to the west of the farm buildings and a small area to the south where a static caravan is located. The farm is adjacent to the boundaries of residential properties, with the nearest being Manor House to the east and Bagby Hall to the west.
- 1.3 The land slopes downhill from the main road, in an approximately north to south direction with the farm buildings appearing "stepped". The access road follows the eastern boundary where there are a number of mature trees. There is an established landscape belt to the northwest of the site that includes mature trees and hedgerow. This forms part of the curtilage of Bagby Hall. Bagby Hall is a Grade II listed building. The land to the south is open in nature.
- 1.4 The village of Bagby is principally a linear settlement, with dwellings fronting the main road. On the north side of the road there are a series of short estate roads serving residential property. To the south side there are no residential developments behind the road frontage, farm buildings extend southwards towards the countryside, in the case of the application site the developments are 1284smq of intensive livestock buildings.
- 1.5 The existing site is an intensive livestock unit that focusses on the rearing and fattening of pigs. The pigs are delivered at a weight of 35kg and fattened to a weight of 110kg before being taken for slaughter. The pigs are delivered in cycles and there can be up to 1000 pigs on site at any time. The pigs are accommodated in the two main farm buildings, which are steel framed structures clad in profiled metal and fibre cement sheeting.
- 1.6 The agent and applicant has described that the existing business operations generates a significant amount of traffic, with a range of vehicles that include weekly HGVs for the delivery and collection of pigs, large vehicles for the delivery of feed, which include blower lorries delivering different combinations of feed up to three times a week, special vehicles for the collection of dead livestock, and traditional farm vehicles for the weekly delivery of bedding straw and the collection of "mucking-out" waste and slurry. There are also frequent pig welfare visits from vets.

- 1.7 The proposal seeks to relocate the existing intensive livestock business to other land and buildings within his ownership out of the village. It should be noted at this stage that the existing business will not be lost and will simply be relocated. This will allow for the demolition of the existing buildings on the site. The applicant is aware that many local residents are unhappy about the business and over many years has received numerous complaints about the noise and smell generated by the livestock, particularly during the summer months when people tend to have their windows open. Complaints have also been received about the size and frequency of vehicles associated with the business travelling through the village.
- 1.8 The re-development of the site shows the construction of 5 dwellings that has been designed in a courtyard configuration where the existing farm buildings are currently located.
- 1.9 The dwellings proposed are:
- Units 1 and 2 – two storey 4 bedroom
 - Unit 3 – two storey 3 bedroom
 - Units 4 and 5 – single storey 3 bedroom
- 1.10 The agent has outlined that the design concept is to create the illusion of a more traditional farm building grouping using a combination of quality traditional materials including clay brick, stone, pantile and slate, with oak window and door frames. It also incorporates different building widths and ridge heights in an attempt to create a strong traditional agricultural appearance.
- 1.11 Vehicular access will be from the existing access point, which will be widened to improve visibility. This requires the partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom. This will ensure that it can still continue to function as a single storey dwelling.
- 1.12 Each unit will have 2 car parking spaces. Units 1, 2 and 5 also have a double garage and units 3 and 4 a single garage. The two parking spaces associated with the existing road frontage bungalow are to be relocated to the front with direct access onto the main road.
- 1.13 Drainage is proposed to be achieved by use of soakaways for the disposal of surface water and that foul sewage will be disposed of by septic tank.
- 1.14 During the course of the application, discussions have taken place with the applicant regarding affordable housing. The agent has confirmed that the two, 3 bedroom single storey units are to be provided as affordable housing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 91/0421/OUT - Outline application for the construction of an agricultural workers dwelling; planning permission refused (10.01.1991) and appeal dismissed (03.09.1992).

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015

National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – wish to see the application refused.

Councillors do not consider it to be a natural infill, they felt the proposed application was over development of the site, and a courtyard development is totally out of character in terms of its appearance compared with existing development in the vicinity, and the proposed developments will set a precedent for all land owners on the south/eastern side to build behind properties.

They would also like to see affordable housing.

4.2 Highway Authority – no objection, subject to conditions regarding the discharge of surface water, private access and verge crossings, details of access, turning and parking, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development.

4.3 Yorkshire Water – no response received to date.

4.4 Environmental Health (Contaminated Land) – I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination however given the nature and scale of the proposed residential development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, ideally prior to determination, to demonstrate the land is suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation.

However, further details could be secured by planning condition.

4.5 Environmental Health – no comments received to date.

4.6 Public comments – 5 letters of support have been received and 2 letters of objection to the proposal.

A summary of the letters of support are:

- Vast improvement on the present intensive pig farm in the middle of a residential area. This is in terms of the noise, odour and large vehicle movements that are required for such operation
- Welcome a well-constructed small development in keeping with several similar developments in the village
- Bagby and Balk PC voted this as the preferred location for new housing within the village
- The location of the proposed development is in the geographical centre of the village where the road is wide and visibility good and further houses/ residents in this location can only improve this very residential area.
- Being the occupiers of Manor House, Bagby, the property adjoining the eastern boundary of the proposed access route into the development, we are directly affected by the application. Our view is that the demolition of the agricultural buildings will remove the noise and smell generated by the pigs which currently spoil our enjoyment of our garden, particularly during the summer months and for this reason we support the change of use from agriculture.
- The implication of visual intrusion from the houses would appear to have been addressed by the design of the proposed houses being single storey at the north and north eastern side, and we would accept the plans as presented, as long as no further application is made to alter the design to increase the height of dwellings, with further windows overlooking our property, should the application be granted.
- With regard to the increased traffic and visual intrusion into our property alongside the access route into the development, an additional panel/timber fence to extend at least 1 metre above the current wall height from the applicant's side of the wall should be imposed.
- The use of single storey dwellings at the front of the development will ensure that the replacement form is not obtrusive.

A summary of the letters of objection are:

- The development appears to suggest its main driver is the removal of the animal housing from a residential area. The development extends significantly beyond the boundaries of the existing buildings which are not redundant but remain in use. Any acceptance of this as criteria would require a significant reduction in the footprint of the site which extends to green belt land behind a listed building.
- A smaller application on a lesser area of land was refused by the District Council and such refusal upheld by the Planning inspectorate ref T/APP/G2713/A/92/207181/P2 essentially as not respecting the form and character of the village the south side retaining its strong linear character a feature which should be protected. "*Without special justification the grant of planning permission here would give rise to pressure for extensive backland development behind both frontages of the village street, leading to the destruction of its special character.*" (This proposal was for the construction of an agricultural workers dwelling)
- The development will have a significant impact as above on the amenity and privacy of the Listed Building overlooking two of the boundaries with not a single property but a number with a minimum of 3 bedrooms very close to both boundaries.
- The argument that the pigs or other animals housed in the buildings is not something that has ever caused nuisance to my family in the 21 year period the Hall has been in our ownership being part of what one expects in the countryside.
- The streetscape will be adversely affected with the insertion of a wider road to afford entrance to the development virtually opposite Church Lane with the removal of part of the existing bungalow to facilitate that. Further amenity will be lost in the removal of the grassed area between the bungalow and road to afford parking for two vehicles at the roadside and further dropped curbs as set out in the application.
- The village does not have the requisite infrastructure to support the development which requires off mains sewage with the need for large vehicles to service emptying

(with attendant odour) in addition to the requirement for delivery of fuel, oil or gas, there being no mains service at that point in the village. Those large vehicles together with the traffic movements for 5 houses of minimum 3 bedrooms will be close, if not more vehicle movement than for the farm buildings.

- The Hall in particular would suffer significant impact from this development which would detract from its Grade II listed building. Bagby is a rural village with farming its main land use, both historically and in present day. This would mean yet more loss of agricultural land for housing that is not really needed
- This development would alter the structure of the village and allow others to presume they could backfill behind the street line, thus altering the nature of the village. It is appropriate at this time to bring to your attention the inspectors report in 1992 where he clearly states that any development going behind the street line would be out of keeping with the strong linear character of Bagby. He goes on to say that it is a feature which should be protected, especially as the granting of planning permission would give rise to pressure for extensive back land development leading to destruction of its special character.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and design; (iii) heritage assets (iv) residential amenity, including loss of the intensive pig business from the site; (v) highway safety; (vi) drainage issues; (vii) affordable housing and (viii) the planning balance.

The principle of development

- 5.2 The site falls outside the Development Limits of Bagby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would in part be a departure from the Development Plan. The proposal as amended does however propose 40% affordable housing to be provided on-site and subject to meeting the policy tests of the LDF is a matter that is 'in principle' acceptable on land outside of the Development Limits of a secondary village.
- 5.3 Core Policy CP4 sets out the exceptional cases where development will be considered outside Development Limits. In this case criterion ii is considered to be relevant. Criterion ii. states that development may be supported where *"it is necessary to secure a significant improvement to the environment"*.
- 5.4 In this case the question is two-fold in terms of the impact of the current use of the land and the impact of the buildings associated with it.
- 5.5 In this case, the buildings are of an agricultural nature, of a type often found within village environments, and are not readily visible from public spaces in the village. Their scale does not result in a form that dominates or harms the character of the village or the setting of nearby heritage assets. However, the existing use as an intensive pig unit has the potential to result in a loss of amenity to neighbouring occupiers. As such the proposed development is considered to "secure a significant improvement to the environment" and thereby gain support from Core Policy CP4 in addition to the support relating to the provision of affordable housing.
- 5.6 It is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.7 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.8 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.
- 5.9 In the settlement hierarchy contained within the IPG, Bagby is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.10 The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Supplementary Planning Document. These include two single storey 3 bedroom units of accommodation and three 3 bedroom units.

The character of the village

- 5.11 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for five dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.12 The piece of land that is the subject of this application comprises of 5 units and is considered small in scale.
- 5.13 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.
- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 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.

- 5.16 As noted above, Bagby is a linear village characterised by traditional road frontage development set back from the main road by varying depths of front gardens. There are some exceptions to the linear character to the northern side of the village, with more in depth development. Some farms also remain, occupying the land to the rear of the frontage properties. Bagby Hall Farm is one such example, with a significant coverage of modern farm buildings (1,284 square metres), which extend the built form of the village in a southward direction.
- 5.17 The Design and Access Statement sets out the logic behind the proposed layout of the site and states that: *“This proposal involves the construction of 5 new dwellings in the location of these existing farm buildings, which will be designed in a traditional courtyard configuration, occupying a footprint of some 400 square metres. This together with the sloping nature of the land and the use of single storey development on the higher parts of the site will reduce the overall bulk, massing and appearance of the development when compared to the existing farm buildings, which means the development will not appear intrusive from the street, which will help preserve the form and character of the settlement.”*
- 5.18 It is considered that the proposed layout achieves a traditional courtyard by providing the basis for a development of different sizes and heights, generating a form of development that would be appropriate to the site location and the character and form of the village. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration. The existing structures cover 1,284 square metres), which extend the built form of the village in a southward direction. It is noted that this proposal also includes a small paddock area to the west; to the rear of Bagby Hall and the impact upon this Grade II listed building needs to be carefully considered (this will be considered in section 5.21 of the report)
- 5.19 The majority of the site comprises built development in the form of farm buildings and hard standings. There is some landscaping along the eastern boundary in the form of intermittent mature trees, and a mature wooded belt on the western boundary with Bagby Hall. The southern boundary with adjoining open countryside is open. However, it is considered that with additional planting along the southern boundary, in conjunction with a new development that is smaller in scale to the farm buildings will soften the built-up edge of the settlement. It is considered that this scheme will not be detrimental to the open character and appearance of the surrounding countryside.
- 5.20 The partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom will not harm the character and appearance of the village by virtue of the existing form and character of the bungalow that will be retained. The access point will be widened by approximately 2 metres. It is acknowledged that there will be loss of grass to accommodate this and the 2 car parking spaces for the existing bungalow. However, the majority of the grass to the front of the bungalow will be retained and will still contribute towards the rural character of the village and street scene.

Heritage assets

- 5.21 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.

- 5.22 Bagby Hall is a Grade II listed building located to the north of the application site. It could be argued that the existing scale and mass of the existing farm building, alongside their design and materials currently detract from the setting of Bagby Hall. However, this is currently mitigated by the sloping nature of the land towards the south and the boundary treatment of a mature woodland belt that shields views to and from the site to Bagby Hall. The impact of the use of the intensive livestock buildings on the Listed Building is not considered to be significantly harmful.
- 5.23 The proposed development has been designed to create a traditional farm courtyard by virtue of its scale, form, detailed design and use of materials. The visual relationship between Bagby Hall and the proposed development is separated by the mature woodland along the boundary. It is considered that if this vegetation were to be removed, the traditional farm courtyard of the development would be more in keeping with the character and appearance of Bagby Hall as a Grade II listed building. The use of the land for residential development would extend the existing built form.
- 5.24 On assessment of the application it is considered that it would not lead to harm to the setting or significance of the Grade II listed building.

Residential amenity

- 5.25 Consideration should be given to the loss of the intensive pig farm that is currently run from the site and is proposed to be relocated to the applicant's farm at New Manor Farm, which stands to the south east of the village of Carlton Husthwaite.
- 5.26 It is acknowledged that an intensive livestock unit generates nuisance, usually in the form of noise and odour pollution, and associated transport movements. Originally, the farm belonged to Bagby Hall. However, the Hall was sold off separately from the farm, and in 1997, the farm became available and applicant acquired it.
- 5.27 In 2000 the buildings were used for beef cattle, and in 2006 these were replaced by pigs, with the enterprise becoming intensive in more recent years. The applicant accepts that the business has changed over the past 20 years and now causes nuisances to local residents. The Council has evidence of complaints that have been received and a further letter from the applicant outlining the complaints he has received over the years.
- 5.28 It is considered that there are benefits of relocating the farming enterprise from the village to a more appropriate location in terms of noise, odour and traffic movements.
- 5.29 Furthermore, it is considered that scheme would not prejudice residential amenity particularly that of Bagby Hall and Manor Farm, it would not be overbearing in presence, and would not cause a loss of light or loss of privacy. The detailed design has carefully considered the siting of windows, the single storey elements and boundary treatments.
- 5.30 The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.31 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has

suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage

- 5.32 Surface water drainage will be accommodated within the existing soakaways, which currently drain surface water run-off from the expansive roofed farm buildings. Foul water will be taken to a new septic tank that will be able to accommodate the whole development. This will be located at the southern end of the site, where the static caravan is to be removed. The applicant has control of land to the south of the application site and could make use of the space to facilitate drainage of the site.
- 5.33 The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Affordable housing

- 5.34 During the course of the application, discussions have taken place with the applicant regarding affordable housing. The agent has confirmed that the two, 3 bedroom single storey units can be provided as affordable housing.
- 5.35 The Rural Housing Enabler has confirmed that this type and size of accommodation in this location is suitable for registered provider to take on.
- 5.36 The LDF Policy CP9 requires that schemes other than in Service Centres of 2 units or more or sites of 0.1ha or more must make provision for an element of affordable housing with the proportion of affordable housing set at 40% or 50% depending upon the location of the development relative to the Service Centre and its hinterland. Following the publication of the Ministerial Statement of November 2014 relating to affordable housing a Council resolution in July 2016 has had the effect of changing the threshold of CP9 to require the provision of an element of affordable housing on schemes of 6 units or more.
- 5.37 The NPPF 2018 is the most up-to-date statement of Government Policy and withdraws the Ministerial Statement. The NPPF 2018 is a material consideration and is to be considered in reaching a balanced planning judgement. The resolution of the Council of July 2016 continues to be the policy of the Council and the threshold for the provision of affordable housing on sites other than in Service Centres remains 6 (or more) dwellings.
- 5.38 In this case the applicant wishes to propose two dwellings to be affordable housing, but is not required by the Policy to do so; however the provision of affordable housing is a matter that weighs in favour of the development as noted below.

The planning balance

- 5.39 It is considered that the planning merits of this case fall into the following areas.
1. The degree to which securing the removal of an active intensive livestock unit from the village would improve the quality of life of local residents due to the removal of the associated noise and smell, and also the removal of associated traffic; and
 2. The degree to which the development would impact on other interests of acknowledged importance, including the form and character of the settlement, the

character and appearance of the surrounding countryside, and the setting of a Grade II Listed Building, and

3. The provision of two, single storey affordable units of accommodation

5.40 In light of the above assessment of the application, it is considered that there are benefits of the proposal. These benefits include providing housing in a sustainable location, providing a mixture of dwellings in terms of smaller bedroom units and single storey units of accommodation, providing 2 affordable units of accommodation, removing the intensive livestock building that currently harms neighbours amenity in terms of noise, odour and traffic movements, providing a high quality traditional courtyard design development, removing large modern agricultural and relocating an existing intensive livestock enterprise to a location that would not result in equivalent amenity issues within the District. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration and balanced against the benefits of the proposal.

5.41 In is considered that is in this case, there are economic, social and environmental benefits of the scheme that are considered to outweigh any harm caused to the built form of the village.

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)

Location Plan HDC/3122/10

Proposed Site Plan HDC/3122/09

Proposed Bungalow Plans and Elevation HDC/3122/08

Elevations 1 HDC/3122/06

Elevations 2 HDC/3122/07

First Floor Plan HDC/3122/05

Ground Floor Plan and Site Plan HDC/3122/04

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 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 development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

5. The development shall not be occupied 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. This should include measures to ensure the protection of the boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - c. The existing access shall be improved by widening in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6Var.
 - d. The crossing of the highway verge to provide a parking area for the existing bungalow shall be constructed in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6.
 - h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3122/09). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.

11. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.

The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

12. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
13. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment shows that further investigation is not required.
14. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
15. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
16. Above ground construction 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. The development shall be implemented in accordance with the approved details.

The reasons are:

1. To ensure compliance with 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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Hambleton Local Development Framework Policy CP2.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
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14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
16. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

Informatives

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

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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

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

4. With regard to the conditions of land contamination CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017.

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any

unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

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Parish: Crayke
Ward: Easingwold
6

Committee date: 18 October 2018
Officer dealing: Mrs C Strudwick
Target date: 26 October 2018

18/01472/FUL

Demolition of garage and workshop and construction of a detached four-bedroom, two-storey dwelling - as per amended plans received by Hambleton District Council 21st September 2018

At Oak Cottage, Church Hill, Crayke

For Mr N Jackson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the eastern side of Church Hill within the Crayke Conservation Area. The building is currently used as an outbuilding in association with the dwelling known as Oak Cottage, which is elevated to the north of the application site. The property to the front, and south west of the application site is a Grade II Listed building, known as Wellesley Cottage. The rear domestic curtilage of Wellesley Cottage is to the south of the proposed site, and is at a lower level than the site level at the application site.
- 1.2 This application seeks permission to demolish the current development on site, and replace it with a four bedroom dwelling. The site is accessed from Church Hill to the north of Wellesley. The site is currently part of Oak Cottage's curtilage. Oak Cottage has its own vehicular access directly off Church Hill and so the access to the application site would solely be for the proposed dwelling.
- 1.3 The dwelling is designed with a variety of heights at both eaves and ridge, and the south east elevation of the proposed dwelling follows the boundary with the garden of Wellesley Cottage. The scheme provides private amenity space to the north of the dwelling.
- 1.4 Improvements have been secured as follows:
- The elevational windows on the south side of the building have been removed from the proposal to avoid issues of overlooking and impact on privacy. The rooflights in the roof slope are retained.
 - The impact of the property has been reduced by setting it down in the site. The proposal had previously had a series of steps down to it, and these have been amended to slopes to allow access for all.
 - The amount of domestic curtilage has been enlarged to an appropriate size for a dwelling of this scale.
 - The design of the dwelling has been altered from an overtly domestic double fronted house, to a design which is suggestive of a converted outbuilding within the curtilage of a host dwelling. This has been done to respect the setting of the Listed Building and the Conservation Area, to achieve a design that it is more appropriate to the position to the rear of the Listed Building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00360/FUL Alterations to and change of use of domestic garage/workshop to a dwelling; application approved April 2014

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 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 DP9 - Development outside Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – objections have been received in response to both the original consultation and the additional 10 day consultation for the revised plans. The Parish Council objects to the application on the grounds that the change from the previously approved 1 bedroom retirement home to a 4 bedroom house:

- will result in a substantial increase in size and height with a greater expanse of roof especially as seen from the Green
- is outside the current building envelope
- will significantly increase the impact of traffic movements across the Green and the potential parking problems on Church Hill

- 4.2 Highway Authority – Recommended conditions

- 4.3 Howardian Hills AONB –Following an original objection to the scheme the following comments have been submitted about the revised plans:

- The design for the south west elevation is a significant improvement, with the deletion of the dormer windows and prominent façade. This significantly reduces the perceived bulk of the proposed dwelling.
- This will reduce the visual impact on the Conservation Area that would have been created by the initial proposal and I therefore have no further objection to the scheme.

- 4.4 Public comments – One objection have been received from the occupant of the neighbouring property to the south west Wellesley Cottage for the following reasons, this submission was made in response to the original scheme:

- The site out outside development limits; there is no exceptional case as set out in CP4 for the principle of development

- The proposed dwelling will result in severe over bearing and overlooking on Wellesley Cottage
- The proposed development by virtue of its scale, volume and massing is not considered to respect or enhance the nearby surroundings.
- The proposed two storey, four bedroom dwelling would be of a size and scale which would result in a significantly more prominent feature within the street scene and would thus fail to preserve or enhance the character or appearance of Crayke Conservation Area.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) The principle of development, (ii) impact of the proposal on the character and appearance of the neighbouring listed building, (iii) impact upon the Conservation Area, (iv) impact upon the amenities of the nearby neighbours and (v) highway safety

Principle of development

- 5.2 The application site lies outside the Development Limits of any sustainable location and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4.
- 5.3 The application site is outside the Development Boundaries of the village of Crayke, and therefore the proposals are not in strict accordance with Policy CP4 and DP9 but need to be considered in light of the NPPF (in particular Paragraph 55) and the Council's Interim Planning Guidance which seeks to guide Local Plan policies and the appropriateness of development in relation to small scale developments close to existing settlements.
- 5.4 The Interim Guidance (IPG) 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:
- i. Development should be located where it will support local services including services in a village nearby.
 - ii. Development must be small in scale, reflecting the existing built form and character of the village.
 - iii. Development must not have a detrimental impact on the natural, built and historic environment.
 - iv. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - v. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - vi. Development must conform with all other relevant LDF policies.

5.5 It is considered that in relation to criterion i) the proposal site is on the development limit boundary and therefore on the immediate fringe of Crayke, with the services and facilities of Crayke within walking distance.

5.6 In relation to the first part of criterion ii) the development would be small scale at one dwelling. Detailed consideration of the other aspects and criteria of the guidance note are discussed below.

Impact of the proposal on the character and appearance of the neighbouring listed building

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

5.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

5.9 The National Planning Policy Framework at paras 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.10 The proposal has been amended from an overtly domestic dwelling, with flat roof dormers to design which seeks to replicates an outhouse conversion. This ensures that the listed building (Wellesley Cottage) remains the principle building when viewed from the street, and the proposed dwelling will appear ancillary to the dwellings on the Church Hill frontage despite it being an independent dwelling.

5.11 The proposed principle ridge line of the dwelling is shown as approximately 500mm below that of Wellesley Cottage, and so is not competing in terms of scale or prominence; rather it will complement and be subservient to the listed building.

5.12 It is considered that the character and appearance of the grade II listed building; Wellesley Cottage is protected, and the construction of the dwelling will not unacceptably impact upon the character and setting of the Listed Building (Wellesley Cottage).

Impact upon the Conservation Area

5.13 The concerns regarding the impact on the Crayke Conservation Area have been addressed through the amendments to the design of the dwelling noted at paragraph 1.4 of this report. These amendments also address the concerns of the AONB manager.

5.14 The proposal preserves the traditional layout of the village form, with traditionally styled dwellings on the frontage with outhouses to the rear. The design of the property would also remove the large metal roller shutter door, which negatively impacts on the Conservation Area and replaces this with a front elevation which includes recessed infilled openings, to imitate detailing found on barn conversions.

5.15 In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage

asset. It is considered that the proposed alterations will preserve the character and appearance of the Conservation Area.

- 5.16 It is noted that the proposed materials include upvc window frames; given the location within the Conservation Area and proximity to a listed building, timber frames would be a more appropriate material. A planning condition is recommended to be used to control the materials in the event of an approval.

Impact upon the amenities of the nearby neighbours

- 5.17 Concern has been raised by the neighbours regarding the impact of the development on the residential amenity of the occupiers of Wellesley Cottage. The windows on the south east aspect, which would have overlooked the garden of Wellesley Cottage have been removed from the amended plan, removing this opportunity for overlooking. The first floor window on the southwest elevation, which faces onto the rear of Wellesley Cottage is shown as obscured glazed which overcomes the issue of overlooking.
- 5.18 The footprint of the dwelling is not proposed to extend beyond the existing garage building. The proposed dwelling has a ridge line that steps down by 46cm, the ridge line of the lower element which runs along the length of the boundary with Wellesley Cottage will be approx. 10cm higher than the existing garage ridge line. As such the proposed development will not give rise to significant increase in overshadowing or over bearing of the garden of Wellesley Cottage.
- 5.19 It is considered that the concerns for the potential for unacceptable impacts on the neighbours raised by both the planning officer and the occupants of Wellesley Cottage have been addressed through the revision of the scheme, and the proposal will adequately protect the neighbouring amenity.
- 5.20 Following revisions to the site layout, there is sufficient domestic curtilage for both the occupants of Oak Cottage and the proposed dwelling.

Highways

- 5.21 The Highway Authority has no objection to the proposed works subject to appropriate conditions.
- 5.22 The proposal includes the provision of two parking spaces within the curtilage; there is sufficient space within the site area for the parking and turning of 2 vehicles. It is not expected that the proposal will result in increased pressure for parking on the village green.

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 3696-PD-00A, 07B, 04B, 06B and 05A received by Hambleton District Council on 21st September 2018 unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 3696-PD-07 Rev.B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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 window openings shall be formed in the southeast elevation; without the prior written consent of 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 Policies CP16 and DP28, 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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Development Framework Policies CP1 and DP3.
5. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Core Strategy and Development Policies CP1 and DP1.

Parish: Great and Little Broughton
Ward: Stokesley
7

Committee date: 20 September 2018
Officer dealing: Mr I Lunn
Target date: 28 September 2018

18/00938/OUT

**Outline application (with matters of access and layout to be determined) for the construction of one detached dwelling
At land to the rear of 81 To 83 High Street, Great Broughton
For Mr & Mrs Bowes**

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 in the service village of Great Broughton. It is accessed off the High Street (B1257) between the gable ends of two dwellings either side. The access currently serves 79, 81 (applicant's property), 81a and 83 High Street, along with the applicant's trailed catering business. The site sits to the rear of the main line of residential development that fronts the High Street.
- 1.2 It is currently in use by the applicant as a base for their catering business. It accommodates a mixture of buildings/structures and a concrete yard used for parking and manoeuvring.
- 1.3 To the north of the application site, the adjacent land is an agricultural field in use for grazing. To the south the land appears to be a garth or paddock at the rear of no 85 High Street.
- 1.4 A public right of way runs along the hedge line approximately 50 metres to the east of the site, with agricultural land beyond. The Development Limits and Conservation Area for Great Broughton broadly align with the western boundary of the application site (excluding the access).
- 1.5 The proposal is for a dwelling, which would require the removal of a single storey structure at the eastern part of the site. The application is in outline form with access and layout to be determined at this stage. All other matters are reserved. Illustrative plans have been submitted in support of the application. These show a two storey, four-bedroom dwelling in the form of a converted barn. This is sited (a matter for consideration) at the top end of the site, perpendicular to the large storage building. The main garden area would be to the south of the building.
- 1.6 The existing access would serve the proposed development.
- 1.7 The applicant has submitted a detailed supporting statement with the application. The applicant states that, in their view:
- The development would satisfy the requirements of the Council's Interim Policy Guidance (IPG) and is therefore acceptable in principle;
 - Approval would not set a precedent for similar development elsewhere; and
 - The existing business will be wound down as a result of this proposal and consequently there will then be a reduced number of trips to and from the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 98/50521/P - Additional use of domestic garage/agricultural storage building and adjoining land in connection with the storage of light commercial vehicles; Refused 12 April 1999, Appeal allowed.
- 2.2 04/00649/FUL - Extension to storage building; Granted 21 June 2004.
- 2.3 07/03574/FUL - Application to increase the number of trailers allowed under condition iii of the appeal decision on 98/50521/P from 3 to 6; Granted 11 February 2008 for a temporary period expiring 7 February 2009.
- 2.4 16/00348/OUT - Outline planning application with all matters reserved for two dwellings; Refused 16 September 2016 for the following reasons:

1. The site is outside development limits and fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore be contrary to policies CP1, CP2, and CP4 of the Local Development Framework.

2. The proposed development fails to meet all the criteria of the Councils Interim Policy Guidance adopted April 2015, in that it does not reflect the existing built form and character of the village and would have a detrimental impact on the open character and appearance of the surrounding countryside.

3. The proposed development will generate additional traffic on the driveway which is of an unsatisfactory width for the extra traffic proposed in addition to the existing permitted uses. The Planning Authority considers that the use of the Dcreport-07 proposed access to the development would interfere with the free flow of traffic with consequent danger to highway users at the junction with the B1257.

Jet Miners Inn

- 2.5 15/01144/OUT - Outline application for residential development for up to five dwellings; Refused 8 April 2016, Appeal dismissed 29 September 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects on the grounds that (i) the site is outside Development Limits; (ii) the proposal fails to comply with the Interim Policy Guidance (IPG); and (iii) a previous application for two dwellings was refused.
- 4.2 Highway Authority – Expressed concerns that if the existing business remains and expands, the traffic generated by it and the new dwelling would unacceptably intensify the use of the access to the detriment of highway safety. However, on the basis of further information supplied by the agent which suggests that there would be a reduced number of trips to/from the site as a result of the proposal, the Authority considers that it would not be able to sustain an objection to the proposal on these grounds in this instance.
- 4.3 Northumbrian Water - No comments to make.
- 4.4 Environmental Health – The proposed development is in close proximity to an existing storage facility for domestic and commercial vehicles which is owned by the applicant. I have concerns that noise from the existing business may cause an impact on the occupiers of the proposed dwelling.

The proposed development is in close proximity to existing residential properties I have concerns that during the construction phase there may be impact on residential amenity from noise and dust.

However, these issues can be overcome subject to the following conditions.

1. The occupancy of the proposed dwelling shall be tied to the business operator of the storage facility.
2. The working hours for all construction activities on the application site are limited to between 08:00 and 18:00 Monday to Friday, and 08:00 to 13:00 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality.

- 4.5 Public comments - 16 representations in support making the following comments:
- The development would be in a discrete location, suitably sited within the village;
 - Historically there have been no problems with the access and it can serve the dwelling;
 - A development of this scale will not lead to any undue highway safety concerns;
 - Small scale development is sensible, will support local facilities, and recent development in Kirkby sets a precedent; and
 - The development would be more in keeping than a large estate type development; need to support dwellings of individual character.

Two objections making the following comments:

- The access is unsafe;
- Other development has commenced in the area; there is no need for more housing;
- The development will not lend additional support to the village as there are limited facilities;
- There is no timescale for downscaling the business; and

- The scale of development is greater than the commercial properties.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character and appearance of the area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the effect on nearby heritage assets; and (v) highway safety.

Principle

- 5.2 The site is located in the countryside for the purposes of planning policy, being located beyond the development limits for Great Broughton. Therefore policies CP4 and DP9 of the Local Development Framework are the starting points for considering the application. These include several exceptions where development may be permitted in the countryside. However, none of these scenarios are considered to be applicable in this instance.
- 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 revised National Planning Policy Framework (NPPF) published on 24th July 2018. Paragraph 78 of the NPPF states that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning Policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 79 goes on to add that planning policies and decisions should avoid the development of isolated homes in the countryside “unless certain specified circumstances apply”.

- 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 2014 settlement hierarchy contained within the IPG, Great Broughton is identified as a Service Village, which is considered to be a sustainable settlement.

Therefore criterion 1 is satisfied. The proposal is also considered to be small scale, so criterion 2 is also satisfied.

Character and appearance

- 5.7 The form of the village is a distinct cruciform, and south of the main cross roads, has a linear form, particularly on the east side of the road. The existing business use extends eastwards beyond the extent of the neighbouring gardens and lies outside the main form of the village. This general description of the area was shared by a Planning Inspector in determining a recent appeal for residential development to the rear of the Jet Miners Public House. The proposal was to redevelop a caravan park with a residential development of five dwellings. The Planning Inspector noted:

"I saw that whilst the profile of development differs somewhat to the north of the crossroads where some "in-depth" development has occurred, the village south of Kirkby Lane/Ingleby Road is of a more definite linear pattern, including the section to the east of the B1257 where there is more or less uniform back line of development."

- 5.8 The Inspector went on to conclude that the development would add to the harm caused by the alteration to its linear character, stating:

"The proposed layout would differ from the traditional pattern of homes with a street-facing format, and would have a poor spatial relationship with the built form of development prevailing on High Street."

- 5.9 The site, which is bound by largely undeveloped land, has a relationship with the rural setting of the village. There would be some views available from the public footpath to the east of the site, and harm would be caused to the openness of the countryside surrounding the village.

- 5.10 Whilst it is important to determine each application on its own merits, the appeal decision is clearly comparable and geographically close to the application site. The existing use of the land and the appearance of the buildings are distinct from the frontage residential development. The proposed siting of a dwelling to the rear of the site would not relate well to the established built form. Whilst there is sympathy with the suggested design approach and the idea of continuing the range of buildings, it would still appear as a dwelling that does not follow the prevailing pattern of development within the village and is considered to not outweigh the harm identified.

- 5.11 Therefore it is considered that the proposal fails to respect the local character and form of development and the site's relationship with the adjoining countryside and is therefore contrary to policies CP4, CP16, DP9, DP10, CP17, DP30 and DP32, the Interim Policy Guidance and the NPPF.

- 5.12 The application is in outline, although sketch drawings of the proposed development have been submitted with the application. These drawings indicate a dwelling in the idiom of a converted bungalow, completed in traditional materials. Officers have no objection to the proposed design, which responds effectively to the rural location on the edge of the village.

Residential amenity

- 5.13 The proposed siting of the dwelling would allow a design to be achieved at reserved matters stage that would avoid a detrimental impact on the amenity of neighbouring properties.
- 5.14 The access runs immediately adjacent to the gable ends of residential properties. 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, 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.

Heritage assets

- 5.15 The site adjoins the Great Broughton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst adjacent, the site sits to the rear of the Conservation Area. It was observed at the site visit that it is the frontages of the properties in the Conservation Area and their cumulative contribution to the streetscape that relate most to its special character and appearance. In contrast, the rear of the properties and the application site make a much more limited contribution. Therefore it is considered that the proposed development would not have a harmful impact on the Conservation Area or its setting.

Highway safety

- 5.16 The Highway Authority has concerns that this proposal could lead to the intensified vehicular use of the existing access onto High Street. The concern is that if the existing business remains in operation and expands in the future the traffic that it generates, coupled with the traffic generated by the new dwelling, would unacceptably increase the vehicular use of the access to the detriment of highway safety in the area. This has been considered; however, the Council would have some control over the future expansion of the existing business as there are planning controls limiting the size and number of vehicles and trailers that may be stored on the site at any one time. Additionally, should planning permission be granted for the proposed development, the applicant has indicated their willingness to enter into a planning obligation should traffic generation be considered to be an issue.
- 5.17 Furthermore it is considered that one dwelling is unlikely, of itself, to generate significant additional vehicular movements. With this in mind it is considered that a refusal of this application on highway safety grounds would be difficult to sustain in this instance.

6.0 RECOMMENDATION

- 6.7 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development would be located on the edge of a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out six criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development fails to respect the local character and form of development and the site's relationship with the adjoining countryside. The proposal also fails to meet any of the exceptional circumstances set out in Policies CP4 and DP9 of the Core Strategy and Development Policies Document and paragraph 79 of the National Planning Policy Framework that would otherwise justify development outside Development Limits and in the open countryside. The Development would therefore be contrary to LDF Policies CP1, CP4, CP16 and, CP17, and DP9, DP30 and DP32, the Council's Interim Planning Guidance (2015) and the relevant provisions of the National Planning Policy Framework.

Parish: Great and Little Broughton
Ward: Stokesley
8

Committee date: 18 October 2018
Officer dealing: Mr Sean Rawling
Target date: 31 October 2108

18/01879/FUL

**Change of use of (B1) vacant ground floor office to osteopathic clinic (D1)
At Suit 4, Springboard Business Centre, 24 Ellerbeck Way, Stokesley Business Park,
Stokesley, North Yorkshire
For Mrs Amelia Mann**

This application is referred to Planning Committee because the property is owned by Hambleton District Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site includes a two storey office building, of an innovative design based on an oval shape, located on a corner site within an industrial/business development. Car parking spaces are located on the west boundary side, with tarmac access and stone finish to spaces. The landscape areas of the site include grass and a small amenity area with ornamental hedge planting at the north side of the building.
- 1.2 The proposal seeks consent for the change of use from B1 (Business) of an existing vacant ground office space, to D1 (Non-residential institutions), to facilitate the use of the space as a private osteopathic clinic. No alterations to the building are proposed as part of the development.
- 1.3 The application is for consideration by the Planning Committee as the land is owned by Hambleton District Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/00941/FUL– Alterations to existing car park; Granted

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies CP12- Priorities for employment development
Development Policies DP17- Retention of employment sites
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Stokesley Town Council – Support the application.
- 4.2 Economic Development Officer- Support the application.
- 4.3 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues are considered to be: (i) whether the principle of development is acceptable; (ii) whether the development will have any impact on neighbour amenity and; (iii) whether the change of use will result in detrimental impacts on car parking and road safety.

Principle

- 5.2 The site is within the Development Limits of Stokesley. Core Policy 12 and Development Policy 17 of the Hambleton Local Development Framework seek to support the retention of sites and premises used and/or allocated for employment purposes unless the supply and variety of available alternative employment land is sufficient to meet district and local requirements.
- 5.3 Suite 4 forms one of five units within Springboard Business Centre which are currently vacant. As such, it is considered that the proposed development would not result in a detrimental impact upon other potential employment uses at the site.
- 5.4 Therefore, it is considered the principle of change of use from B1 (Business), to D1 (Non-residential institutions) is supported by Local Development Framework policy.

Amenity

- 5.5 The proposed change of use is considered to be relatively low key in terms of potential impacts on neighbouring amenity. Given the location of the site, within the business park, the proposed change of use is considered to have no detrimental impact on neighbouring amenity.

Road Safety

- 5.6 The applicant envisages up to 35 patients per week. The applicant is currently a sole practitioner but hope to be able to expand to an additional clinician along with administrative support. As such the maximum parking requirement for car parking at any one time is likely to be 5 spaces.
- 5.7 Currently Springboard has 45 parking spaces and it is understood from the Manager of the site that this currently more than meets the needs of the site. The proposed use is considered to have no additional impact on car parking need, over and above the existing situation and as such the level of car parking is considered to be satisfactory.
- 5.8 It is concluded that there is sufficient car parking on the site and that the proposed change of use will 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 197/100 received by Hambleton District Council on 03 September 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

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Parish: Northallerton
Ward: Northallerton South
9

Committee date: 18 October 2018
Officer dealing: Mrs Tracy Price
Target date: 1 August 2018

18/01024/REM

**Reserved matters application for six dwellings
At D Oakley Limited, 68 Romanby Road, Northallerton
For Park Quadrant Homes**

This application is referred to Planning Committee at the request of a Member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located a short distance from Northallerton town centre, within the development limits of Northallerton (with Romanby). It is currently occupied by a long established local joinery business. The agent advises that the business is moving to other premises within the town. The surrounding uses comprise mainly residential terraced buildings and a Christian centre, which accommodates a large scale detached building, which stands on the corner of the site, acting somewhat as a local landmark. The terrace buildings are sited close up to the pavements, although Springwell Terrace East and West extend perpendicular to the road to the west of the site. The one anomaly to terraced properties is a pair of semi-detached properties to the west of the site.
- 1.2 The existing buildings on the site reflect this historic form and layout of the development in the area. The traditional brick buildings sit hard up to the pavement, creating an internal courtyard area. The buildings are of some character and local interest. However, it was recognised that they are not best suited to modern day business requirements and are surrounded by residential uses when outline permission was granted for their redevelopment with housing in 2017.
- 1.3 The outline permission was for seven dwellings (17/01059/OUT). Approval is now sought for the reserved matters of access, appearance, landscaping, layout and scale for six dwellings. The dwellings would comprise a pair of semi-detached houses and a terrace of three properties to the north edge of the site with south facing gardens and a detached dwelling to the south western corner of the site. The layout of the site would provide a secure courtyard parking area for each property with access off Romanby Road. The semi-detached and terraced property would comprise three bedrooms, two bathrooms, ensuite, lounge and a kitchen/diningroom. The detached property will comprise an open plan lounge/dining area with a study, kitchen, garage, four bedrooms, bathroom, ensuite and wc. Small garden areas are to be provided for all dwellings.
- 1.4 Amended plans have been received (03.10.18) which includes a re design of plot 1 by rotating the front elevation to the east, increased landscaping on site, a bin storage area to the south east of the site and an introduction of two visitor parking spaces. This results in a single parking space for plots 4, 5 and 6 and 2 spaces for plots 1, 2 and 3.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01059/OUT - Outline application for the redevelopment of the site with seven dwellings; Granted 20 November 2017.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP43 - Flooding and floodplains
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – No objection.

4.2 Highway Authority – No objection subject to standard conditions. Note to officer 'concern must be expressed with regard to the layout of the car parking for the scheme. Although 2 parking spaces are provided for each dwelling it is considered that some of the parking spaces will be difficult to access and will require multiple manoeuvres within the parking forecourt'.

4.3 Yorkshire Water – No comment however the developer should note that Yorkshire Water would expect a minimum of 30% reduction from the current rate of surface water that enters the public sewerage.

4.4 Environmental Health (land contamination) – Have assessed the Phase 1 Desk Top Study (Soil Environment Services Ltd, Report reference SES/PQH/RR/1#1, July 2018) submitted in support of the above development. The report identifies potential significant risks from contamination such as hydrocarbons, metals, solvents and asbestos. The report recommends a Phase 2 site investigation is undertaken consisting of boreholes, soil sampling and analysis for a range of contaminants including metals, hydrocarbons, VOCs, SVOCs and asbestos. Can confirm that they agree with these recommendations and therefore would recommend 5 conditions to ensure these works are carried out in order to deliver a safe development.

4.5 Environmental Health – No objections

4.6 Natural England – No comments to make.

4.7 Public comments - Thirteen representations have been received including a petition objecting to the scheme with 11 signatures. The representations are briefly summarised as:

- Noise and vibration during demolition and construction;
- The roof line of the terrace blocks should be slightly reduced, to be in line with the existing building to the east;
- Bungalow would be better suited (as originally proposed) loss of light.
- Concern regarding the gap between back of plot 1 and the garages on Springwell Terrace East, will this still be no access?
- Massing and density of the development on the proposed small piece of land.
- There will be increased air pollution due to the aforementioned traffic and the dwellings will create increased CO2 emissions.

- Note there are 2 parking bays per dwelling thereby increasing traffic flow on an already busy road due to the nearby residential estates (Weavers Green and Allerton).
- The proposed new development designs will look out of place and will be too dominating and overbearing in terms of the small footprint and also out of character of built form in the street.
- The appearance of the residential houses currently surrounding the new development uses grey roof tiles, not red tiles. D Oakley Builders Yard has a mix of grey and red tiles. It would make sense for the developers to use grey tiles if they are trying to maintain the built form of the street.
- The Plot 1 proposed dwelling will cause a loss of privacy through overlooking and create a greater sense of enclosure because of the close proximity and height of the proposed dwelling which is out of context with the surrounding terrace houses.
- Alter plot 1 so it is a bungalow reducing its impact for neighbouring properties.

5.0 OBSERVATIONS

5.1 The principle of residential redevelopment has already been established through the granting of outline planning permission 17/01059/OUT. Therefore the main considerations in the determination of this application are whether the details of the proposed development are suitable in terms of (i) design and form; and whether the development would have any detrimental impact on (ii) residential amenity; or (iii) highway safety.

5.2 The main issues to consider are: (i) Design; (ii) Amenity; (iii) Neighbour observations; (iv) landscaping; (v) Highways; and (vi) Bats/Land Contamination

Design

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 the local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.5 The National Planning Policy Framework supports this approach and, at paragraph 130, 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 the 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.'

5.6 The submitted Design and Access Statement describes how alternative options have been considered and discounted, and the evolution of the design process is documented. The site had outline planning permission for 7 dwellings with associated parking. The number of dwellings has been reduced to 6 due to the space restrictions on the site. The majority of the dwellings will have a south facing garden which will

back onto a courtyard parking and access area. The built form has been maintained to reflect the existing built form of the terraces near to the Christian Centre with the semi-detached buildings forming a bridge to the other semi-detached houses to the west of the site on Springwell Lane. The detached plot uses the boundary line to fit its location, the rotation of the design by having the entrance at the east elevation has reduced its overall impact on Romanby Road.

- 5.7 The main two storey form is at the Springwell Lane side of the site, the layout of the site is considered to respect the existing form and development of the site. It is considered that there is a natural visual link with the Christian Community Centre building to the east in terms of height and visual appearance. It is noted that the tight nature of Romanby Road vista with buildings being close to each other across a tight road is better suited to the access. The position of the detached house again forms a visual link to the layout of the existing site forming a stop at the back of the new development the same as the existing yard. Overall the design will respect the local character in terms of scale, volume and massing and will use the space efficiently with natural surveillance and usable pedestrian and vehicular access.
- 5.8 The layout of the site is tight, endeavouring to fit 6 relatively large houses into the site, along with private amenity space and car parking. The layout has been adjusted in order to improve access into parking spaces. The amendments to plot one are considered to be an overall improvement to the scheme. However, the layout is considered to be marginal in terms of quality, allowing only small areas around the Romanby Road periphery for soft landscaping, to limit the visual impact of the car park.
- 5.9 Overall, Officers are satisfied that the layout and design works in this relatively urban environment and is considered to be acceptable in this case.

Amenity

- 5.10 The buildings on Springwell Lane take their height reference from the next door buildings and the design ensures the visual amenity of neighbours is protected. It is considered that adequate separation distances are proposed between existing and proposed dwellings for the development not to have an overall adverse impact on residential amenity.
- 5.11 The orientation of plot 1 has taken its design form from Springwell Terrace East, creating a blank gable facing onto Romanby Road reducing the impact the development will have upon neighbouring properties on Romanby Road and ensuring privacy and amenity issues are not significantly compromised.

Neighbour Observations

- 5.12 Thirteen objections have been received along with a local petition. A large proportion of the objections related to the building phase and potential disruption with traffic and noise issues. It is considered that the construction timeframe of a scheme of this nature is short term and conditions recommended by highways would ensure that the impact on highway safety is addressed. The hours of construction can also be controlled by condition to ensure building works are not to be carried out within unsociable hours. Concern regarding the scale, density and massing of the works have been highlighted, this has been taken into consideration. However, it is considered that given the type of built form within the locality, the scheme is considered to respect the local context in terms of use, movement, form and space. Materials have also been highlighted which can be controlled by condition to ensure the build is sympathetic to the neighbouring housing and wider area. The issue of insufficient parking has been raised but given the sites close proximity to the town

centre and local train station it is considered that the provision of parking spaces is welcomed however not essential as the site is located within a sustainable location.

Landscaping

- 5.13 The landscaping proposed is located to the garden areas on plots 2-6 with a grassed space and hedging on the rear boundary. Landscaping along with fencing is proposed to soften the parking spaces along the Romany Road elevation and again along the boundary shared with plot 1 and Springwell Terrace East. The proposed is considered acceptable and typical of schemes within this urban locality.

Highways

- 5.14 The Highway Authority raises no objection subject to conditions relating to the appropriate visibility splay, precautions to prevent mud on the highway, on-site parking and storage during development and implementation of the access, parking and turning areas. Highways did provide a note to the officer stating that 'concern must be expressed with regard to the layout of the car parking for the scheme. Although 2 parking spaces are provided for each dwelling it is considered that some of the parking spaces will be difficult to access and will require multiple manoeuvres within the parking forecourt'. This has been taken into consideration, however given the fact the manoeuvres can be achieved and highways have not objected to the scheme together with the site's sustainable location, it is considered that the parking provided is achievable and satisfactory.

Bat/Land contamination

- 5.15 The application is accompanied by a bat report the findings include no evidence of bat roosting activity in buildings 1, 2 and 3 during dusk. Buildings 4, 5 and 6 contain bat roosts with a maximum of 6 no. brown long eared bats. Based on the results of the survey it is considered unlikely that the buildings are used as a maternity roost but rather by male or non-breeding female bats as a transitional roost. Based on the results of the survey the bat roosts within the buildings are considered to be of low conservation importance and not significant to the favourable conservation status of bats in the local area. However a European Protected Species Mitigation (EPSM) licence will be required in order to permit works which would result in the damage, destruction, or blocking of access to, a breeding site or resting place used by a European Protected Species (including all bat species).
- 5.16 Overall this proposal is not considered to detrimentally affect protected species and implementation can be suitably managed through the licence so as not to have a detrimental impact on biodiversity.
- 5.17 The application is also accompanied by a Contaminated Land Risk Assessment and the findings include that significant risks are considered to be evident in relation to the possible presence of hydrocarbons, metals, solvents and other contaminants from on-site sources. A Phase 2 investigation would therefore be needed. Environmental Health at HDC have assessed the report and confirm the report recommendations in that a Phase 2 site investigation is undertaken consisting of boreholes, soil sampling and analysis for a range of contaminants including metals, hydrocarbons, VOCs, SVOCs and asbestos. Five conditions have been recommended in relation to a risk assessment, phase 3 remediation strategy and a potential verification report to ensure these works are carried out in order to deliver a safe development. It is considered that the implementation can be suitably managed to ensure a safe development of the site and to protect human health and the environment.

Planning Balance

- 5.18 In terms of design, the proposed development is considered to respond positively to the character and appearance of the locality and will fit within the streetscape in terms of heights, design and materials. The layout of the site is tight and the parking limited. However, given the location of the site within the town, walking distance to amenities, this is considered a sustainable location and the necessity for on-site parking is considered to be lower than other sites further from amenities. The amenity of neighbouring occupiers has been considered throughout the application process and amendments made in order to mitigate harmful impacts in terms of privacy and overshadowing. In conclusion, the proposed development is considered to be acceptable in this instance.

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 SM1002-01,02,03,04,05,06,07,08 received by Hambleton District Council on 16 May & 3rd October 2018 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to construction or alteration of above ground external surfaces commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site. The materials shall be approved in writing by the Local Planning Authority.
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 shall be carried out to the dwelling and no building or other structure shall 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.
5. Prior to construction of any building or regrading of land 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 and the relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

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

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - (i) The crossing of the footway shall be constructed in accordance with the approved details and Standard Detail number A1.
 - (ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway and shall not be able to swing over the highway.
8. No part of the development shall be brought into use until the existing access on to Springwell Lane and the westernmost access onto Romanby Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splay areas are provided giving clear visibility of 43 metres measured along both channel lines of Romanby Road from a point measured 2 metres down the centre line of the access road.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.
12. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-

contractors vehicles clear of the public highway. 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.

14. 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, e. Site operational hours considering the proximity of the nearby primary school.
15. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. 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 situated 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.
16. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
17. 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.
18. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.
19. The following land contamination investigation, remediation and verification conditions must be addressed sequentially. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)
20. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)

21. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (see Note for Applicant CL4)
22. No further development shall commence until the approved remediation scheme has been implemented.
23. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP2, CP4, CP16, CP17, DP1, DP8, 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and to control the size of the property in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32 and to ensure it remains of a size that is commensurate to the holding which it serve
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. In accordance with policy CP2 and in the interests of highway safety
7. In accordance with policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. In accordance with policy CP2 and in the interests of highway safety.
9. In accordance with policy CP2 and in the interests of road safety.
10. In accordance with policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with policy CP2 and in the interests of highway safety and the general amenity of the area.
12. In accordance with policy CP2 and to protect pedestrians and other highway users.
13. In accordance with policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

14. In accordance with policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. In order to soften the visual appearance of the development and provide any appropriate screening.
16. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
17. 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.
18. In order to protect the amenities of residential property in the locality.
19. To ensure safe development of the site and to protect human health and the environment.
20. To ensure safe development of the site and to protect human health and the environment.
21. To ensure safe development of the site and to protect human health and the environment.
22. To ensure safe development of the site and to protect human health and the environment.
23. To ensure safe development of the site and to protect human health and the environment.

Informatives

1. CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.
2. CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.
3. CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG 2017), and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed

of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

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Parish: Rudby
Ward: Hutton Rudby
10

Committee date: 18 October 2018
Officer dealing: Peter Jones
Target date: 2 October 2018

18/01602/OUT

**Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwellinghouses
At OS Field 2719, Stokesley Road, Hutton Rudby
For Mr D Bainbridge**

This application is referred to Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 UPDATE

1.1 The application was deferred at Planning Committee in September to allow the following matters to be examined and up-dates provided:

- i) Impact of affordable housing on the layout of the site
- ii) Road safety matters pertaining to multiple accesses and road speeds
- ii) Landscaping and landscape impacts

Affordable Housing

1.2 LDF Policy CP9 requires that schemes other than in Service Centres of 2 units or more or sites of 0.1ha or more must make provision for an element of affordable housing with the proportion of affordable housing set at 40% or 50% depending upon the location of the development relative to the Service Centre and its hinterland. Following the publication of the Ministerial Statement of November 2014 relating to affordable housing a Council resolution in July 2016 has had the effect of changing the threshold of CP9 to require the provision of an element of affordable housing on schemes of 6 units or more.

1.3 The NPPF 2018 is the most up-to-date statement of Government Policy and withdraws the Ministerial Statement. The NPPF 2018 is a material consideration and is to be considered in reaching a balanced planning judgement. The resolution of the Council of July 2016 continues to be the policy of the Council and the threshold for the provision of affordable housing on sites other than in Service Centres remains 6 (or more) dwellings.

1.4 The conclusion is that in this case there is no requirement for the provision of affordable housing. As such the applicant has withdrawn their offer of support for a condition requiring affordable housing and the implications on layout from affordable housing provision are considered to fall away.

Road Safety

1.5 The applicant has provided a plan setting out the visibility splays as required by the Highway Authority to demonstrate that they can meet the required visibility standard. It is further noted that the applicant intends to pursue an amendment of the 30mph limit position, with the County Council.

Landscape Impact

1.6 In terms of landscape impact, the applicant has provided an indicative section through the site in order to illustrate the relative height of the proposed properties in

relation to the existing properties in the vicinity and the landscape form. This shows that the use of two bungalows at the west edge of the site, where the slope begins to increase, will significantly reduce the impact of the development.

- 1.7 The applicant has also amended the proposed housing mix to further limit the impact of the proposed development. The mix now proposed is:

- 2 x 4 bed houses
- 1 x 3 bed house
- 1 x 3 bed dormer bungalow
- 1 x 2 bed bungalow

- 1.8 It is recommended that this mix be included in any conditional grant of planning permission, in lieu of the previously recommended size and mix condition, condition 6 in the recommendation is amended accordingly.

- 1.9 The applicant is also the owner of the adjacent land, shown as a landscape buffer in the illustration. As this land is in the control of the applicant, it is reasonable to apply a condition to any grant of planning permission, to ensure that this planting is undertaken. The recommendation now includes a landscape condition to ensure that this is undertaken.

- 1.10 Additional comments from the Parish Council have been received (detailed at para 4.2) which set out further details about road safety concerns.

2.0 SITE, CONTEXT AND PROPOSAL

- 2.1 The application site is a roughly oblong shaped plot of approximately 0.7 hectares in area which currently forms part of a field. It is located approximately 140 metres north east of the junction of Middleton Road and Stokesley Road on the northern edge of the village.

- 2.2 Outline planning permission is sought to construct five dwellings on this site. Formal approval is sought for the layout of the development and the proposed means of gaining access to the site as part of the application. However all other matters are reserved for consideration at the reserved matters application stage.

- 2.3 Following dismissal of an earlier appeal the application site area has been reduced.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.

- 3.2 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.

- 3.3 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused 16 October 2017 for the following reasons:

1. The proposed development incorporates five plots which are generally larger in size than those which characterise this part of the village. The resultant plot ratio is not considered to be an efficient use of the land in this location. The proposed development is considered to fail to accord with the requirements of Criterion 1 of the Interim Policy Guidance as the proposed development fails to reflect the existing built form and character of the village and as such also fails to accord

with the requirements of policy DP10 and DP32 which seek to support high quality development which respects the character and form of the settlement.

2. The proposed extension of the village into open countryside is considered to be harmful to both the character and setting of the village of Rudby and to the character of the open countryside which surrounds the village and as such fails to accord with the requirements of the Interim Policy Guidance Note, Criteria 2, 3 and 4 and fails to accord with the requirements of Development Policy DP30 and DP32.
3. The proposed development is in close proximity to a chicken farm which is likely to result in a loss of residential amenity through nuisance from odour, noise and flies contrary to the requirements of Development Policy DP1.

Appeal dismissed 3 May 2018 on the first and second grounds.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018
Hutton Rudby Village Design Statement
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

5.0 CONSULTATIONS

- 5.1 Parish Council – Objects for the reasons summarised below. The Local Neighbourhood Plan does not identify a need for large houses in the village. Furthermore an approval of this proposal would not be in the best interests of highway safety leading to the creation of five new vehicular accesses onto a busy road. (Officer Note: the Neighbourhood Plan has not been adopted.)

- 5.2 Additional Parish Council Comments (Summarised)-

Community Speedwatch project in the village which has been underway since the end of January 2018. The speed activation site on Stokesley Road is directly opposite the proposed development. There has been regular recording of vehicles over 35mph. Incidents recorded over the years on the Stokesley Road corner with Middleton Road which is a 90 degree corner because of vehicles entering the village at speed and failing to slow down in time for the tight bend. There is an evidenced speeding issue in this location.

- 5.3 Highway Authority – No observations received. (Officer note: the Highway Authority did not object to the previous application on this site.)
- 5.4 Environmental Health Officer - No objection subject to conditions requiring details of site drainage and requiring the site to be suitably remediated in the event of unexpected contaminants being found.
- 5.5 Northumbrian Water - No objection subject to a condition requiring that details of the proposed means of draining the developed site.
- 5.6 Public comments – Eight objections have been received, summarised as:
- The proposal is premature pending the outcome of the Neighbourhood Plan, and the site is not currently allocated for housing development;
 - The development would not be sustainable as the site lies outside the village boundary and is remote from the centre of the village and local amenities;
 - The dwellings would still appear as prominent features in the landscape and would therefore detract from the visual amenity of the area;
 - The five new access points and increased traffic flows on the highway (where vehicle speeds often exceed the 30mph limit) would increase the risk of accidents;
 - Adverse environmental and health consequences of increased traffic movements;
 - Increased flood risk in the area as the land is prone to becoming waterlogged during periods of heavy rainfall meaning that soakaway drainage systems would not work;
 - Loss of prime agricultural land,
 - The proposal would prejudice the development of a larger land area which could otherwise help meet the housing needs of the village;
 - The development proposes executive properties not affordable homes; a site of this size could accommodate more dwellings at a higher density;
 - There is no need for further housing here given the recent completion of the Paddocks End development and the recent approval of 25 homes at the Wickets;

Nine representations in support making the following points:

- There is a need for more housing in the village;
- The development would complement existing housing in the locality with the plot sizes being similar in size and scale to others in the locality;
- The land does not lie within designated Green Belt,
- The site is close to all necessary local services;
- The site has satisfactory vehicular access with suitable sight lines;
- The site is well positioned for people wishing to travel to Middlesbrough and the surrounding areas; and
- Approval would benefit the local economy as the building works could be carried out by small local building companies.

6.0 OBSERVATIONS

- 6.1 The main issues are considered to be (i) the principle of locating residential development in this location; (ii) the impact of the development on the character and visual amenity of the surrounding area; (iii) the impact of the development on the amenities of neighbouring properties; (iv) impact on highway safety; (v) impact on trees and local ecology; (vi) land contamination; (vii) drainage and flood risk; and (viii) affordable housing.

Principle

- 6.2 The site adjoins the built-up area of Rudby but lies outside of the Development Limits. In view of this, and given the nature of this proposal, it is considered that the application needs to be considered initially against the requirements of policies CP4 and DP9 of the Local Development Framework.
- 6.3 Policy DP9 states that planning permission will only be granted for development beyond Development Limits "in exceptional circumstances", circumstances that are outlined in Policy CP4. The proposal has not been justified on the basis of any of these and does not therefore satisfy their requirements. However, it is also necessary to consider national policy in the form of the NPPF. This states, in paragraph 78, that:
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local villages. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- 6.4 Paragraph 79 adds, in part, that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless" certain specified criteria can be met.
- 6.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 6.6 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities that it has. In order therefore to satisfy the requirements of the Guidance it would need to be demonstrated that it would form a cluster either with a Secondary or Service Village, or with 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.
- 6.7 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. With this in mind it is considered that, despite concerns to the contrary, the proposed development can reasonably be viewed in the context of supporting local services and amenities, and as such criterion 1 of the IPG would be satisfied. In view of this the principle of the development is considered to be acceptable in this instance.
- 6.8 Concern has been expressed both that a decision on the proposed development would be premature pending the outcome of the emerging Neighbourhood Plan, and that it would not meet the emerging requirements as set out in that Plan. However, this Plan still remains at a relatively early stage in its development and it is therefore considered that it can currently only be offered relatively limited weight. In addition, local concerns about the loss of agricultural land are acknowledged but this was not a turning issue in the appeal so is not considered to be a reason to resist the development now.

Character and visual amenity

- 6.9 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.”

- 6.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 6.11 The National Planning Policy Framework supports this approach and, at paragraph 130, 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 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage.
- 6.12 The previous application was refused planning permission in part because it was felt that the development proposed would be harmful to the character and setting of the village and surrounding countryside, failing to reflect the built form of the former and detracting from the open character of the latter. In an attempt to address these concerns the agent has amended the proposal with the key differences being:
- The current application now seeks formal approval of the proposed layout of the development and shows the dwellings laid out in linear form. The previous application showed them similarly laid out but did not seek formal approval for their proposed positions reserving this for consideration at a later date;
 - Whilst the application still seeks approval for five dwellings the density of the development has been increased from one dwelling per 0.18 hectares to one dwelling per 0.14 hectares. This has been achieved by reducing the application site from 0.9 to 0.7 hectares in overall size;
 - The eastern part of the plot, which previously formed part of the development site, has now been deleted. It was this part of the site that was of most concern being the most elevated; and
 - A landscaped planting buffer is now proposed along the eastern and northern boundaries of the site and the hedgerow along the site frontage to Stokesley Road would be re-planted.
- 6.13 Compared with the scheme refused and dismissed on appeal, it is considered that the proposal would be more in keeping with the form and layout of housing in the locality. Furthermore the deletion of the eastern part of the site, and the introduction of more screen planting, should reduce the impact of the open character of the surrounding countryside.
- 6.14 In a further attempt to overcome previous concerns, the agent has indicated that the development will comprise a range of dwelling sizes. The applicant proposes a two-bedroom bungalow, two detached three-bedroom houses and two four-bedroom houses. On this basis, and given the other points outlined above, it is considered that the development of this site along the lines currently proposed would achieve an acceptable mix of dwelling sizes, subject to a condition to secure this, and should reasonably safeguard the visual amenity of the area.

Amenity

- 6.15 The previous application was also refused planning permission in part because of concern that the future occupiers of the dwellings would be unduly disturbed by odour, noise and flies from a nearby chicken farm. However, the Inspector did not consider this a reason to dismiss the appeal and the site has since been reduced in size at its eastern end and more substantial planting is now proposed along the

eastern boundary. This would have the effect of locating the dwellings slightly further away from the farm than they would have been previously and the planting would also help to provide some sort of additional barrier against odour. In view of this, and as the Environmental Health Officer raises no objection to the proposal it is considered, on balance, that it would not be possible to sustain a further refusal on this ground.

- 6.16 The site is enclosed to the immediate south and west by housing. However, on the basis of the current proposed layout the new development would stand some 17 metres from the nearest of these (Four Gables, which lies to the immediate west) it is considered that it could reasonably be laid out as proposed without adversely affecting the light, privacy or outlook enjoyed by this or any other of the surrounding properties.

Highway safety

- 6.17 Whilst the application has been submitted in outline form it seeks formal approval at this stage for the creation of individual vehicular accesses to each dwelling. Concern has been expressed by some local residents about the ability of Stokesley Road to safely accommodate the increase in vehicular use that this development is likely to generate. However, this was not a ground under which the previous five dwelling scheme was refused and taking the Highway Authority's advice into account, it is not envisaged that the traffic generated by five dwellings would significantly increase the use of this highway, and the road is considered to be capable of satisfactorily and safely accommodating any such increase that may arise. Furthermore, it is considered that, provided these accesses are suitably designed and laid out in the positions shown, they will allow vehicles safe access to and from Stokesley Road. Conditions to secure this are therefore recommended.

- 6.18 It is also considered that if the dwellings were to be sited in the positions proposed sufficient space would be available within each plot for the provision of satisfactory associated parking and turning facilities.

Trees and ecology

- 6.19 The site is open but there are some hedges and trees on the perimeter. It is therefore contended that it could reasonably be developed as proposed without significant tree and hedge loss. In view of this, and as the agent has indicated an intention to carry out landscaping, it is considered that there are no reasonable tree or hedge related grounds for opposing the development.

- 6.20 The site is not known to be the subject of any protected flora and fauna. Consequently it is contended that there are currently no reasonable ecological grounds for opposing the development of the land.

Land contamination

- 6.21 The applicant has undertaken a preliminary assessment of land contamination as part of the application. This, along with information given on the application form, concludes that the land is not the subject of any significant contamination and given the way the land has previously been used it is considered, on the balance of probability, that this is likely to be the case. In view of this, and taking account of the advice from the Environmental Health Officer, it is not envisaged that future occupiers of the dwellings would be at significant risk from contaminants. On this basis it is contended that there are no reasonable land contamination grounds for opposing this proposal.

- 6.22 However, as it is likely that soils will need to be re-used or imported as part of the development, and as there is always the possibility that unexpected contamination may be encountered during the construction works, it is recommended that suitable remediation in the event of unexpected contaminants being found is secured by condition.

Drainage and flood risk

- 6.23 The application form indicates that surface water from the developed site would be discharged either to soakaways or an adjoining watercourse, but gives no details of the proposed means of discharging foul water. The drainage proposals have been considered by Northumbrian Water and the Environmental Health Officer but neither is currently able to comment on their suitability because of the lack of detail. Both accept, however, despite concerns to the contrary, that the site is capable of being suitably drained in some form and recommend that the means of so doing is therefore reserved by condition for consideration at the reserved matters stage. A condition to this end is therefore recommended.
- 6.24 The site is identified as being located wholly within Flood Zone 1 on the Environment Agency's Flood Map. This means that it is at low risk of flooding. In view of this, it is not envisaged that future occupiers of the dwellings would be at significant risk of flooding nor that the development would be likely to exacerbate problems of flooding elsewhere.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
 3. The development hereby approved shall comprise no more than 5 dwellings.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses 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 crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6; (b) any gates or barriers shall not be able to swing over the existing highway; 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 5. The reserved matters application(s) shall provide the following mix of housing.

2 x 4 bed houses

1 x 3 bed house
1 x 3 bed dormer bungalow
1 x 2 bed bungalow

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access formed. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until details of (i) the provision of a footway on the site frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 7.
9. Unless otherwise approved in writing by the Local Planning Authority, and notwithstanding the submitted details, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
11. 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.

12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
13. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
14. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
15. Prior to the occupation of any dwelling a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide for landscape planting to the western fringe of the development. The approved planting scheme shall be implemented during the first planting season, following the approval of the landscape plan. Any plants that die or are removed within 5 years of their planting, shall be replaced.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the quotient and density of development is appropriate to this location and to accord with the requirements of Policy CP1 and DP32 or the Local Development Framework along with the Interim Policy Guidance.
4. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
5. To ensure that the proposed housing mix meets the needs of the Hambleton Housing market and in order to accord with Policy DP13 of the Local Development Framework.

6. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
7. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
8. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
9. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
10. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
11. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
12. In the interests of the satisfactory drainage of the development in accordance with the requirements of Policy CP1 of the Local Development Framework.
13. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.
15. In order to ensure that the landscape impacts of the proposed development are adequately mitigated and to ensure compliance with Development Policy DP 30 and DP32.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 7 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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

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

Parish: Sessay
Ward: Sowerby & Topcliffe
11

Committee Date : 18 October 2018
Officer dealing : Mr Rowshon Uddin
Target Date: 27 September 2018
Date of extension of time (if agreed): 22 October 2018

18/01798/APN

**Application for Prior Notification for an agricultural building to cover an existing straw based farm yard manure muck store.
at Bruce House, Scaife Shay Lane, Sessay
for Mr Sanderson.**

This application is referred to Planning Committee as the applicant is a close relative of a member of the Council.

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The farm of Bruce House is an isolated agricultural unit surrounded by farmland located about 1 km north of the small village of Sessay.
- 1.2 The unit includes a series of agricultural buildings. The farmhouse is a grade 2 Listed Building. The new building is proposed as an extension to an unlisted agricultural building and is more than 150m from the listed farmhouse.
- 1.3 The proposal is to erect a building cover, with a roof but no side walls, over an existing straw based farm yard manure (FYM) store to protect it from rain fall.
- 1.4 The structure measures 52m width x 12m breadth x 6.4m height to ridge (4.8m to eaves) and would be made from cement fibre sheeting.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 01/00374/LBC - Permitted - Application for Listed Building Consent for alterations to and renovation of existing agricultural building
- 2.2 07/02417/APN - Permitted - Prior notification for the construction of an agricultural building for the housing of livestock
- 2.3 07/02421/FUL - Permitted - Construction of an agricultural building
- 2.4 08/00498/FUL - permitted - Construction of agricultural building for the housing of livestock

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
National Planning Practice Guidance
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 None required for an APN notification

5.0 OBSERVATIONS

- 5.1 Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), commonly known as the GPDO, relates to 'agricultural developments on units of 5 hectares or more.
- 5.2 The proposal can qualify as Permitted Development because the farm would be carrying out work on agricultural land comprised in an agricultural unit of 5 hectares or more and would erect a new building which is reasonably necessary for the purposes of agriculture within that unit.
- 5.3 The proposal is for the erection of a structure, reasonably necessary for the purposes of agriculture. The applicant farms land in the vicinity and a total of 298 Ha in the wider area. The applicant has a number of pig farms in the area, totalling 3000 breeding sows. The land associated to the application is farmed as arable land by the applicant.
- 5.4 The ground area covered by the development would not exceed 1000 square metres, at 624 sqm. The applicant has confirmed that there has not been any other agricultural building constructed on the agricultural unit in the last two years.
- 5.5 The site is not located within 3 kilometres of the perimeter of an aerodrome and the height of the building would not exceed 12 metres.
- 5.6 The farm lies away from any settlement, however, there is a residential dwelling at Bruce House. This dwelling is associated with the agricultural holding. The nearest unconnected dwelling is at Islebeck Farm 460m to the northwest of the application site. Whilst this dwelling is not associated to the agricultural unit as the buildings will not be for the housing of livestock, slurry or sewage sludge this is acceptable under the terms of the GDPO. The building is for the use of storing muck in a dry environment before it is to be spread.
- 5.7 The development would not be within 25 metres of a metalled part of a trunk road or classified road.
- 5.8 It would be constructed on a site adjoining an existing agricultural building and be viewed from the nearest vantage point on the public footpath that passes 200m to the west of the site. The building would be seen as part of the existing farmstead; it would not significantly detract from the appearance of the rural landscape.
- 5.9 The materials would reflect those of the existing agricultural buildings. As such, it is concluded that the proposed building will satisfactorily respect its surroundings and is considered acceptable.
- 6.0 RECOMMENDATION:
- 6.1 That the application be determined that **PRIOR APPROVAL IS NOT REQUIRED**

Parish: Skipton-on-Swale
Ward: Thirsk
12

Committee Date : 18 October 2018
Officer dealing : Mr Rowshon Uddin
Target Date: 10 September 2018
Date of extension of time (if agreed):

18/01169/TPO

**Felling of 4 Wellingtonia trees subject to Tree Preservation Order 2003/04
at The Grove Skipton On Swale North Yorkshire YO7 4SB
for Mr Jeremy Hogan.**

This application is referred to Planning Committee at the request of a Member.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The four trees the subject of this application stand within a large rectangular shaped garden of 0.17 hectares. The trees are on the south side of the dwelling and on the east side of a private drive that leads from the A61 up a 4m incline to the front of The Grove. This is a substantial two storey Victorian era red brick house.

1.2 TPO 2003/04 relates to 6 trees, four of Wellingtonia (Giant Sequoias) the remaining two trees are a beech and a birch tree that stand to the north of the boundary wall with the A61.

1.3 Skipton - on -Swale is a hamlet near the River Swale with a mixture of dwellings, agricultural buildings and four Listed Buildings, including St Johns Church, the closest neighbour about 35 metres east of The Grove. A public right of way passes 35 metres to the west of The Grove, linking the A61 to the back lane to the north of the property.

1.4 The application proposes to remove all four Wellingtonia Trees (Giant Sequoias.) The reason for removal of the trees is stated to be:
“due to proximity to the house and foundations, damage to the drive and potential damage to Septic Tank and drainage systems.”

1.5 A supporting surveyors report, CCTV recording of the condition of the drains and photographs of the condition of the trees and the drive have been submitted in support of the application.

1.6 A proposal for shrub or blossom trees to be replanted further away from the drive and drainage systems is made by the applicant.

1.7 The applicant's submitted report notes that the 4 Wellingtonia are about 23 metres high and with an 8 metre canopy spread. The applicant's arboricultural report finds that the trees have all dropped major limbs and contain quite a lot of deadwood. Damage to the drive through “lifting the surface” and notes that “the septic tank has also become damaged likely from the roots of these trees”.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 03/01022/FUL Formation of a vehicular access to replace existing access and construction of boundary walls - Permitted

3.0 RELEVANT PLANNING POLICIES:

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

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

Development Policies DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

4.1 Parish Council - replied 27.07.2018, support the felling of trees on the grounds of health and safety noting that the tree nearest to the A61 could close the road if it was to fall.

4.2 Publication, Expiry Date 23.08.2018, No Comments

4.4 Neighbours x 10, one reply from Appletree House (17 August 2018) who live across the road from the site support the application because, "...the trees are a potential danger to nearby properties and an eye sore that blocks a significant amount of natural light..."

5.0 OBSERVATIONS

5.1 The main issues to consider are:

- the structural integrity of the trees and the potential for damage to infrastructure
- the amenity value of the trees

Structural integrity

5.2 The evidence supplied by the applicant shows that the drive to the house has become un-even and that the drain from the house to the septic tank has become damaged.

5.3 As noted by the Council's appointed consultant Charles Prowse *M. Arbor.A* from Elliot Consultancy: "the applicant has not provided supporting information to suggest that there is anything structurally or physiologically concerning with the trees that would warrant their removal.

5.4 Charles Prowse adds that "The presence of deadwood is noted but that it can be removed without any problems", further it is noted that the removal of dead branches from a living tree is exempt from control by virtue of the provisions of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 Part 3 Article 14(b). From visual inspection, it is clear that all four trees are in good health with no obvious sign of ailment or deterioration.

5.5 The issue comes down to the alleged damage caused to the driveway and drainage system or that may be caused to structures. Charles Prowse notes that "Again they have not provided any evidence to prove that the driveway was affected by the trees and having removed the block pavers this cannot now be assessed. It could have been down to settlement of the underlying ground as opposed to disruption by roots."

5.6 Further when considering the damage to the septic tank and drains Charles Prowse notes "As for the septic tank and outlet pipe, it is often the case that an already damaged and leaking drainage system will be exploited by tree roots in search of moisture but the roots may not have been the cause of the initial damage. Does the video provide any concrete evidence that the roots initiated the damage, or that they have just exploited it?" Commenting that "it appears likely that the property owner needs to undertake works to their sewerage system which may require some

excavations within the rooting areas of some of the trees. Such work is likely to lead to a degree of root damage which if refused could put the Local Authority in a liable situation should issues arise in the future because the system could not be upgraded. You could permit upgrade works but request an Arboricultural Method Statement that will demonstrate how the trees will be best protected during the process. They should be using NJUG10 as a guide for utility works in close proximity to trees.”

- 5.7 The applicant has not supplied details of works to restore the drainage or driveway other than noting the length of the drains that would need to be replaced and the relaying of the drive.

Amenity value

- 5.8 Policies CP16 and DP28 requires proposals to protect and enhance natural assets.
- 5.9 In this regard the four Wellingtonia trees have grown for over 100 years to be a very prominent feature both in the context of The Grove and also important to the character to the eastern part of Skipton-on-Swale where there are other large trees and also provide the setting to the Parish Church of St John.
- 5.10 The Wellingtonia trees are prominent on approach on the A61 from both the east and west. The trees are seen as a row of tall mature similar aged trees between the highway and the large gardens, together to form an expansive canopy of vegetation. Therefore, these four Wellingtonia trees have significant amenity value to the area on their own and in combination to the surrounding trees.

Conclusion

- 5.11 The four trees provide significant visual amenity to the site and area and form part of a larger canopy of mature trees that characterise the eastern side of the Hamlet. All four trees appear to be in good health with little reason to doubt their long term health. The evidence submitted in support of removing the trees does not substantiate the claim that the trees are the cause of damage to infrastructure. Considering all of these matters this application is recommended for refusal in accordance with the LDF Policies CP16 and DP28 that seeks protect and preserve features that contribute to the heritage of the District.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED**:

The proposed felling of the four Wellingtonia trees the subject of Tree Preservation Order 2003/04 is contrary to Policies CP16 and DP28 that seek to protect and preserve features that contribute to the heritage of the District.

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Parish: Skutterskelfe
Ward: Hutton Rudby
13

Committee date: 18 October 2018
Officer dealing: Mr Sean Rawling
Target date: 29 October 2018

18/01008/MRC

Application for variation of conditions 6, 7, 10, 11, 15, 16 and 18 and removal of condition 12 (location of events within the grounds of the Hall) to previously approved application 15/00961/MRC
At Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN
For Mr Michael Hepburn

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Rudby Hall is a 3 storey former country house set in extensive gardens and located between Hutton Rudby and Stokesley. The building is Listed Grade II and is currently a hotel and events venue. There is a large car park to the west of the house. Former outbuildings immediately to the east have been converted to residential use. There are residential properties across the road, to the north, and to the south west (approximately 150 metres).

1.2 The proposal is to vary a number of conditions from an earlier application 15/00961/MRC to allow the business to operate more effectively.

1.3 Following negotiation with the applicant's agent, the current proposal is as follows;

- Condition 6 (Extraction) - It is proposed to vary the wording of the condition to also allow for the installation of temporary generators in conjunction with the proposed alteration of condition 13. Condition 6 originally prevented the installation of any other plant or equipment.
- Condition 7 (Kitchen Management Plan) - Seeks to vary the approved kitchen management plan to allow food to be prepared on site. As existing, food is prepared off site and is reheated in the grounds of the hall. The proposed variation would allow use of the existing kitchen space without alteration to the building.
- Condition 10 (Outside Events) – As existing, this condition allows permission for the use of the grounds of the Hall for events held in a marquee up to 8 days in a calendar year. This proposal seeks consent for the retention of this for up to 150 guests, whilst also allowing permission for 10 further events for up to 40 guests to be held in a defined area immediately west of the hall.
- Condition 11 (Times for outside events) – As existing, the condition requires no outdoor events to be held in the grounds of the Hall outside of the hours of 12 midday and 6pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposal smaller events of up to 40 guests.
- Condition 12 (External events) – It was originally proposed to remove this condition to allow for the provision of external events to be held anywhere within the grounds of the Hall. However, at the request of the council, this has been revised and now proposes an area to the west of the Hall to be used for small events as proposed in conditions.

- Condition 13 (Marquee) – The proposal seeks consent for a rewording of this condition to also allow permission for a generator to be used solely in conjunction with the previously approved marquee and will be removed accordingly following events. The applicant has set out that the generator will not exceed 63dBA at 7m.
- Condition 16 (Preparation and clearing times) - As existing, the condition does not allow preparation and clearing for events to be undertaken outside of the hours of 11 am and 7pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposed smaller events of up to 40 guests.
- Condition 18 (Temporary structures) – Seeks consent for a rewording of the condition to allow for the use of temporary gazebos, up to 18sqm in size, for the smaller events of up to 40 guests.

1.4 Following negotiation with the applicant's agent, a proposed variation to the following condition was withdrawn at the request of the council;

- Condition 15 (Live Music) - The proposed variation was to amend the wording of the condition to allow non-amplified live music in the grounds of Rudby Hall.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/00019/FUL - Change of use from dwelling to a country house hotel; Granted 17 September 2012).
- 2.2 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel; Granted 17 September 2012.
- 2.3 12/02367/MRC - Application to vary condition 7 of planning permission 12/00019/FUL to no food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the premises or for events held within the hall; Withdrawn 23 January 2013.
- 2.4 13/01018/MRC - Application to vary condition 7 of planning permission 12/00019/FUL relating to use of the existing kitchen facilities to include preparation of food for guests attending functions held at the hotel and within the grounds; Granted 8 August 2013.
- 2.5 13/01275/LBC - Application for listed building consent to install a new ventilation and fume extraction system including internal flue and replacement extractor grill; Granted 15 August 2013.
- 2.6 15/00961/MRC- Variation of conditions 7 (kitchen management plan) and 10 (number of marquee events) of planning permission 12/00019/FUL (change of use from dwelling to a country house hotel); Granted 8 July 2015

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Development Policy DP1 - Protecting amenity
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policy DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policy DP25 - Rural employment
National Planning Policy Framework
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – “Recommend refusal. There are misleading statements in that they have not been abiding by the original conditions. There have been regular complaints from neighbours against the non-compliance with existing conditions. Rudby Hall was originally supposed to be a small country house hotel but has not been run as such. The number of jobs promised have not materialised and the majority of the work is done by sub-contractors”.

Further comment received from the Parish Council in light of amended proposals-
“The Council re-iterates the comments made earlier”.

- 4.2 Environmental Health Officer – “This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be limited negative impact from the controls proposed within the revised planning statement. Therefore the Environmental Health Service has no objections”.
- 4.3 Society for the Protection of Ancient Buildings – No response received
- 4.4 Historic England- No comment
- 4.5 Council for British Archaeology – No response received
- 4.6 Northumbrian Water – No comments
- 4.7 Highways – No objections
- 4.8 Environment Agency – No response received
- 4.9 Site Notice - No response received
- 4.10 Public comments – 17 Objections have been received with regards to the application citing the following reasons;
- Loss of amenity;
 - Failure to comply with previously imposed conditions; and
 - Highways issues

5.0 OBSERVATIONS

- 5.1 The principle of allowing events to take place at Rudby Hall is established by previous consents, rather we need to understand and assess the impacts of the proposed revisions to the conditions attached to the consent. Therefore, the main issues to consider from this application are; the impact of the proposals on (i) residential amenity; (ii) highway safety; and (iii) the appearance of the countryside.

Residential amenity

- 5.2 This application seeks consent for an additional allowance of up to 10 events per annum, with a limit of 40 guests to be held in the grounds in a sunken garden area immediately west of the Hall, in a gazebo, if required, of up to 18sqm. These events

will be held between the hours of 12pm and 8pm including any necessary preparation and clearing.

- 5.3 As existing, there is permission for up to 8 events to be held in the grounds of the hall of up to 150 guests. However, the applicant's agent has stated that the actual number of events of this size is far less than this, and they have identified the need to be able to accommodate smaller, more intimate events. The proposed area for these smaller events is located at an area further away from neighbouring residential properties than the previously approved marquee and has direct access to the kitchen area for the serving of food. Therefore, it is considered that the proposed area is able to accommodate a further 10 events per annum, within the proposed time constraints, without resulting in a detrimental impact upon the amenity of neighbouring occupiers.
- 5.4 The proposals seek consent for the use of a defined generator in conjunction with the previously approved marquee to the south-west of the Hall, and consent for food to be prepared on site.
- 5.5 As proposed the generator will be used solely in conjunction the marquee and removed off site, or placed in a safe location accordingly, when not in use. The design of the generator is such that noise levels would not exceed 63dBA when measured at 7m from the generator.
- 5.6 To facilitate the preparation of food on site, the existing kitchen will be utilised and is considered to be adequate without requirement for alteration to the material of the building. As existing, food is reheated in large units before serving. It is considered that the alteration of this process will have no impact on the amenity of nearby residents.
- 5.7 The Environmental Health Officer has considered the application and has confirmed that there will be a limited negative impact and that they have no objections to the proposal.
- 5.8 Neighbour comments received have outlined concerns over the impact on amenity and state that the owners of the premises have failed to comply with previous conditions. However, the Environmental Health Officer has confirmed that to date complaints to the Council have not been substantiated.
- 5.9 Overall, it is considered that the proposed variations would not result in a significant harmful impact on the amenity of nearby residents.

Highway safety

- 5.10 The proposed variation would allow consent for an additional number of smaller events to be held in the grounds of the Hall, which may result in a greater impact upon highway safety. However, the nature of events at Rudby Hall such as weddings, promotes the staggered arrival/departure of guests. There is also sufficient on-site parking to accommodate the additional events.
- 5.11 Furthermore, the proposed variation of condition 7 would allow food to be prepared on site which will potentially lead to a decreased number of delivery vehicles requiring access to the site in preparation for events.
- 5.12 As such, it is considered that the proposed development will not result in a harmful impact upon highway safety. It is also noted that the highways authority confirmed that they have no objections to the proposed amendments to the conditions.

The appearance of the countryside

- 5.13 The impact of the previously approved marquee on the character and appearance of the surrounding countryside has been assessed in previous applications. The proposed temporary gazebo for smaller events would be up to 18sqm in size. It would be located in an area close to the house which would have historically been used for recreational purposes. As such, it is considered that the temporary use of a gazebo would be understood in conjunction with the main building and not result in a detrimental impact on the character and appearance of the countryside.

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 12 September 2012
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered as followed, unless otherwise agreed in writing by the Local Planning Authority:
11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012
11.026 001 (Location Plan) received on 6th January 2012
201806271334 – External Events Plan received on 14 September 2018
11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012
12010. F01 Rev.B (Access) received on 6th June 2012
 3. The means of disposal of foul water drainage shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
 4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a hotel (Use Class C1) and including use as a private function venue.
 5. The disposal of waste shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
 6. Prior to first use of the hotel and private function venue hereby approved, the new ventilation and fume extraction system, as detailed within the Kitchen Extract Fan 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation and Fume Extraction Report' both received on 14th May 2013 and Mr Sebastian Stevens clarification email (noise attenuation) of 10th July 2013, shall be installed and thereafter be maintained in accordance with the approved details. No additional external plant or equipment, other than that approved under Condition 13 of this consent, shall be installed without the prior written approval of the local planning authority.
 7. No food shall be prepared and/or cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds except in accordance with the

Kitchen Management Plan received by Hambleton District Council on 14 May 2018, unless otherwise agreed in writing by the local planning authority.

8. The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.
9. The courtyard to the east of the Hall shall not be used by staff (other than for access or maintenance), or customers and no deliveries shall be made via this courtyard.
10. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, and any marquee erected within the grounds, shall not be used for other than;
 - A. Events with up to maximum of 150no. guests to be held in the grounds of Rudby Hall up to a maximum of 8 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
 - B. Events with up to a maximum of 40no. guests to be held in the grounds of Rudby Hall up to a maximum of 10 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
11. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, shall not be used for events outside the following hours unless otherwise agreed in writing by the Local Planning Authority;
 - A. 12 midday and 6pm for larger events (as permitted under Condition 10a of this permission); and
 - B. 12 midday and 8pm for smaller external events (as permitted under Condition 10b of this permission).
12. Events held within the grounds of the Hall shall only be held full accordance with the details as set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018, unless otherwise agreed in writing by the Local Planning Authority
13. No marquee shall be erected within the grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, other than in accordance with details previously approved under application reference 12/02597/DIS. No generator shall be installed unless in full accordance with the details as set out in 201806271334 – External Events Plan received by Hambleton District Council on 14 September 2018, and the following restrictions;
 - A. The generator shall no exceed 63dBA at 7m; and
 - B. The generator shall be only used to support the function of the marquee and stored in a safe location or moved off site immediately following the deconstruction of the marquee
14. No sound amplification equipment shall be used within the grounds of the Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) or in any building other than within the bar and dining room(s) without the prior written approval of the Local Planning Authority.
15. No live music shall be performed within the grounds of Rudby Hall as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) without the prior written approval of the Local Planning Authority.

16. Preparations for events and clearing up after events shall not take place outside of the hours of;
 - A. 11am to 7pm for larger events (as permitted under Condition 10a of this permission) other than for erection and dismantling of any marquee.
 - B. 12 midday to 8pm for smaller external events (as permitted under Condition 10b of this permission).
17. Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and shall not take place at any time on Sundays and Public Holidays.
18. No temporary structures, other than as permitted by condition 13 and temporary gazebos (to be erected in full accordance with the details set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018), are to be erected in the grounds of the Hall unless otherwise approved in writing by the Local Planning Authority. Any temporary gazebo will not exceed 18sqm in size
19. No noise emanating from events held in the Hall shall exceed 28(LAeq, 5min) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.
20. A noise limiter shall be installed on any amplification equipment in the bar and dining room(s) which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.
21. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
22. Prior to first use of the development hereby approved, the secondary access to the east of the Hall shall be closed in accordance with details previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details.
23. No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.
24. The hotel and function venue hereby approved shall continually operate in accordance with the provisions of the approved 'Kitchen Management Plan' received by Hambleton District Council on 14 May 2018 unless otherwise approved in writing by the local planning authority.
25. The number of guests visiting the hotel and function venue hereby approved, including any event within the grounds, shall not exceed 150 persons at any one time.

The reasons for the above conditions are:

1. To ensure compliance with 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 the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage.
4. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.
5. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
6. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
7. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
8. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
9. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
10. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
11. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
12. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
13. In order to protect the character and appearance of the listed building in accordance with policies CP16 and DP28 the Hambleton Local Development Framework and in order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
14. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
15. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
16. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
17. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
18. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

19. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
20. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
21. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
22. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
23. In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
25. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

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Parish: South Kilvington
Ward: Bagby & Thorntons
14

Committee Date : 18 October 2018
Officer dealing : Caroline Strudwick
Target Date: 27 September 2018
Date of extension of time (if agreed): 22 October 2018

18/01791/APN

**Application for Prior Notification for a proposed agricultural building to cover an existing straw based FYM muck store.
at Land Between Upsall Lane And Hag Lane Hag Lane South Kilvington North Yorkshire
for Mr Sanderson.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The site lies to the east of the A19. On site is an agricultural building, constructed of block work and corrugated metal sheeting. There is a cement slab on site, and a manure muck heap.

1.2 This application seeks permission for the construction of a new agricultural building to cover an existing straw based farm yard manure (FYM) muck store. The building is to measure 54.5m by 18.2m (991.9 sqm). It is to be 4.8m to the eaves, and 7.2m to the ridge. The buildings to be open sided on all elevations.

1.3 The roof materials are proposed as cement fibre profiled sheeting, to match the other agricultural buildings on site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Practice Guidance

4.0 CONSULTATIONS

4.1 None required for an Agricultural Prior Notification.

5.0 OBSERVATIONS

5.1 Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), commonly known as the GPDO, relates to 'agricultural developments on units of 5 hectares or more.

5.2 The proposal is for the erection of a structure, reasonably necessary for the purposes of agriculture. The applicant farms approximately 72 Ha on the eastern side of the A19, and a total of 333.97 Ha in the wider area. The applicant has a number of pig farms in the area, totalling 3000 breeding sows. The land associated to the application is farmed as arable land by the applicant.

5.3 The ground area covered by the development would not exceed 1000 square metres, at 991.9 sqm. The applicant has confirmed that there has not been any other agricultural building constructed on the agricultural unit in the last two years, the agricultural unit extending to the land on the eastern side of the A19.

5.4 The site is not located within 3 kilometres of the perimeter of an aerodrome and the height of the building would not exceed 12 metres.

- 5.5 The farm lies way from any settlement, however, there is a residential dwelling at Park View, South Kilvington some 170m to the west of the site to the south. These dwellings are not associated to any agricultural unit but as the buildings will not be for the housing of livestock, slurry or sewage sludge this is acceptable under the terms of the GDPO. The building is for the use of storing muck in a dry environment before it is to be spread.
- 5.6 The development would not be within 25 metres of a metalled part of a trunk road or classified road.
- 5.7 It would be constructed on a site with an existing agricultural building and be viewed as part of the existing farmstead; as such whilst the building would be visible from the A19 and the minor roads in the vicinity it would not significantly detract from the appearance of the rural landscape.
- 5.8 The materials would reflect those of the existing agricultural buildings. As such, it is concluded that the proposed building will satisfactorily respect its surroundings and is considered acceptable.
- 6.0 RECOMMENDATION:
- 6.1 That the application be determined that: **PRIOR APPROVAL IS NOT REQUIRED**

Parish: Stokesley
Ward: Stokesley
15

Committee date: 18 October 2018
Officer dealing: Mrs Angela Sunley
Target date: 13 January 2019

18/00005/TPO2

Tree Preservation Order 2018/05
At Land Rear Of; St Josephs Presbytery, 1 Tanton Road, Stokesley.

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 18/00005/TPO2.
- 1.2 St Joseph's Presbytery and the associated land are located off Tanton Road, between two housing estates, Tameside and The Paddocks on the northern side of Stokesley.
- 1.3 The Church has a strip of land to its rear, western elevation and side, northern elevation which has been sectioned off from the Church but remains in its ownership. This plot of land has an abundance of trees and shrubs of many different varieties. The TPO refers only to the Oak trees within this parcel of land.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 An email was received from a neighbour on 10 July 2018, requesting a TPO on the Oak trees in this area. They feel the trees contribute to the surrounding area and would like them to be protected. They are concerned that the site is within development limits and as such are likely to come under development pressure.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP28 – Conservation

4.0 CONSULTATIONS

- 4.1 2 neighbouring occupiers have objected to the TPO. The comments are summarised as follows:
 - We object as we have concerns in regards to the roots of T1, as they may be encroaching on our garden and if this is so, we would like this tree possibly removing in the future.
 - The trees within this plot have been maintained by many neighbouring properties for many years, what will be the implications of the Tree Preservation Order.

5.0 OBSERVATIONS

- 5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant benefit to the amenity of a place, especially if they are in immediate danger of removal.

- 5.2 An order can be made if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. The trees are within development limits and as such the site has potential to be developed. There is no planning permission for the development of this site and as such there is understood to be no immediate risk to the trees.
- 5.3 Some of the Oak trees are near residential properties and potentially at risk of being maintained incorrectly or felled. The proposed TPO would be a precaution to ensure that any proposed maintenance work undertaken on this group of trees would be carried out in accordance with British Standard 3998 (Tree Work) by the owner of the land or any other party.
- 5.4 The Oak trees stand to the rear of the properties in both housing estates and they are set well back from Tanton Road but due to their size and mass they can be seen clearly from the highway and the wider area. If the trees were felled or maintained inappropriately, this would have a detrimental impact on the character and appearance of the area as they are a prominent and beneficial feature of the area.
- 5.5 The neighbour's observations have been noted in regards to the TPO creating complications for those neighbours who want to fell or undertake regular maintenance works to these trees. The TPO would prohibit the cutting down, uprooting, topping or lopping of the Oak trees. However, permission to do maintenance work to these trees can be granted via an application to the Planning Authority, allowing for their proper maintenance.
- 5.6 The Oak trees contribute to the amenity, flora and fauna of the area which is a valuable asset. The trees also make a positive contribution towards the character and appearance of the locality.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 It is considered that the trees positively contribute towards the character and appearance of the area.
- 6.2 There appears to be no structural or health reasons why the trees cannot be maintained in the longer term and as such making a TPO on the trees is appropriate.
- 6.3 It is therefore recommended that TPO 2018/05 Order be confirmed.

Parish: Thirsk
Ward: Thirsk
16

Committee date: 18 October 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 23 October 2013

18/01334/FUL

**Alterations and change of use of dwelling to create a house of multiple occupancy and alterations to the garage to form a car port
At The Old Model Lodgings, 1A Barbeck, Thirsk
For Miss Ruth Morris & Mr Samuel Borin**

This application is referred to Planning Committee at the request of a member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The host building is a four storey property forming the middle property within a row three similar style properties. The property fronts onto Barbeck and is immediately adjacent to the public highway (footpath). To the rear the property has a single storey off shoot that provides living accommodation and a garage area, there is also a yard area. This is accessed through the parking area to the rear of the adjoining property at 1C Barbeck.
- 1.2 The site is located in a largely residential area and is close to Thirsk Town Centre. The wider area contains a mix of uses including shops and services.
- 1.3 The application seeks consent to change the use of 1A Barbeck from a residential dwelling to a property used for multiple occupation. The application states the applicants will live at the property and manage it themselves. They will occupy the ground floor bedroom that also has a kitchen/dining/lounge area and there will be five further rooms they intend to let. There is a communal kitchen area at ground floor for bedrooms 1, 3 and 4 with a further kitchen area on the second floor for rooms 5 and 6. Each room has bathroom facilities.
- 1.4 The applicant has stated the rooms are likely to be let out to single people however there is scope to let some rooms to couples. The applicant initially advised that they would like to proceed on the basis of couples but later confirms that other than the unit that they will occupy all rooms will be let for occupancy by a single person.
- 1.5 The existing garage is to be amended to a car port and a door will be placed in the ground floor off shoot to allow access to this area and the bin storage within the yard area. Other external changes include the installation of fan outlets for kitchen and bathroom areas.
- 1.6 Improvements have been secured as in terms of the layout of the building in accordance with the requirements of the Environmental Health Officer. The EHO has approached the case mindful of the requirement for licencing as a Home in Multiple Occupation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 It is considered there is no planning or enforcement history relevant to this proposal.

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
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP17 – Promoting high quality design
Development Policy DP32 - Design
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Town Council – recommend refusal, unclear how many residential units are proposed. Provision must be included for storage of waste/recycling and there is insufficient parking and unsuitable access. Support the neighbouring residents objections.
- 4.2 Highway Authority – Concern must be expressed with regard to the lack of off street car parking that is associated with the proposed development. All the roads around the site are protected by waiting restrictions (double yellow lines) and therefore any objection on highway grounds would not be sustainable.
- 4.3 Environmental Health – Initial concerns regarding layout however having considered the amended plans and the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections. It is noted the proposal would require a HMO Licence from the Local Authority.
- 4.4 Police Designing Out Crime Officer – Should this application be granted I would ask that a planning condition be placed on it requiring that prior to first occupation, that the applicant provides full written details of what crime prevention measures are to be incorporated into the development. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police.
- 4.5 Public comments – two objections have been received from neighbouring residents. Concerns relate to the potential for noise, nuisance and antisocial behaviour, insufficient parking and the impact on the likelihood of being able to secure tenants in one of the objector's property and the impact on the value of their property.

5.0 OBSERVATIONS

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

Principle of development

- 5.2 The application site is located within the development limits of Thirsk where proposals for residential development are generally supported in principle. The site is located close to the town centre which provides a number of services within walking distance. The town centre would also provide access to public transport such as buses.
- 5.3 The site is considered to be in a sustainable location that would be appropriate for the proposed use.
- 5.4 It is also noted the property is currently in residential use, and the principle of residential development is therefore already established. The proposed house in multiple occupation retains the residential use and the applicant could operate a HMO for up to six unrelated people without the need for planning consent, this would cover the applicants at ground floor and then one unrelated person in each of the

other rooms (five rooms). On this basis and depending upon the way that the property is occupied it is possible that the creation of a series of units use would not require planning permission. Therefore it is appropriate to note the use could operate to a certain level without the need for planning permission.

Residential amenity

- 5.5 Concern has been raised from a local resident regarding the potential for noise and disturbance. It is acknowledged the proposed use is likely to bring about intensification in the number of persons residing in the property as a whole however the impact in terms of noise and disturbance is not considered to be significantly greater than the use of the property as a single dwelling. Furthermore, the Environmental Health Officer considers there will be no negative impact in terms of the impact on amenity and the likelihood of the development to cause a nuisance. The Environmental Health Officer therefore raises no objection.
- 5.6 With regard to the potential for anti-social behaviour, the Police Designing Out Crime Officer (DOCO) has provided comments on the proposal. The development lies within an area with relatively moderate crime and disorder levels. However any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. The DOCO notes the use will require a licence and states that a condition should be placed on the licence requiring that reasonable steps be taken to prevent or reduce anti-social behaviour by occupants or persons visiting the house. This is noted and it is further recommended that if approved a condition be added to ensure written details of the crime prevention measures to be incorporated into the development are agreed and implemented prior to occupation.
- 5.7 In terms of the amenity of the proposed occupants, the layout was changed to be in line with requirements of the Environmental Health Officer and it is also noted the proposed use will require a licence which includes controls on the size of rooms, the facilities and safety.
- 5.8 Due to the limited external changes it is considered there will be no impact on neighbouring properties in terms of overshadowing and overbearing.

Visual Impact

- 5.9 The proposal includes limited external alterations. The changes proposed are considered appropriate in terms of scale and appearance and it is considered there will be limited visual impact.

Highway Impact

- 5.10 Local Residents and the Town Council have raised concerns over the level of parking available and unsuitable access. The Local Highway Authority has been consulted on the proposal and whilst raising concern about the lack of off street parking associated with the property, it is stated that all the roads around the site are protected by waiting restrictions (double yellow lines) and therefore any objection on highway grounds would not be sustainable.
- 5.11 The plans for the existing property show there are four bedrooms, this proposal includes an additional two bedrooms and there could be additional people accommodated within the property. As stated by the Highway Authority there are double yellow lines in operation close to the application site and they do not consider an objection is sustainable.
- 5.12 The site is located within walking distance of the town centre and the occupants would therefore have access to modes of transport other than a motor vehicle. There

is also space within the site to provide secure cycle storage which could encourage occupiers to use bicycles as a mode of transport. The lack of convenient parking would reduce the attractiveness of the property for those who wish to park a private vehicle close to the property. Occupiers and their visitors would have to find parking on streets beyond the areas with double yellow lines. As it cannot be determined where future residents would choose to park it is not possible to determine the level of impact on neighbouring streets other than to note the scale of the change in the occupancy level is limited by the scale of change between the existing and proposed room arrangement.

- 5.13 It is also acknowledged that due to the location of the site occupiers would have access to services and places of employment without the need to use a motor vehicle.
- 5.14 Paragraph 109 of the National Planning Policy Framework states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'. On balance it is considered that due to the site already being in residential use and its location in proximity to services, employment and public transport links, the level of demand for parking caused by this development would not be significantly greater than the existing. The lack of off street parking and the impact on highway safety would not therefore be significant enough to warrant refusal of the application.

Amenity for residents

- 5.15 The space available within each of the units differs. Ranging from Unit 1 at 48.3 sqm to Unit 5 which is the smallest of the units 9.4 sqm, of which 7.9 sqm is within the lounge/bedroom and a further 1.5 sqm in the adjacent shower/WC. Adjacent to Unit 5 is a kitchen to serve Units 5 and 6. It is considered that the space available to the occupier(s) of Unit 5 are too small to meet the expectations of Policy DP1 which requires that: "Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision of an adequate level of open space for the use of occupants/users of the development." The outdoor space available for the 6 units is shared yard and parking and carport area of about 43 sqm. Overall the extent and quality of the space available for residents is considered to fail the requirements of the policies of the LDF at CP1, DP1, CP17 and DP32.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** subject for the following reason:
1. The proposed development would result in a poor standard of development with insufficient internal space and inadequate access to open amenity space of a suitable quality such that the proposal is contrary to the provisions of the Local Development Framework Policies CP1, DP1, CP17 and DP32

Parish: Thirsk
Ward: Thirsk
17

Committee date: 18 October 2018
Officer dealing: Miss R Hindmarch
Target date: 26 October 2018

18/00331/FUL

Demolition of existing buildings and erection of 112 dwellings with associated open space, access and infrastructure

At: Austin Reed Ltd, Station Road, Thirsk

For: Bellway Homes Ltd (Yorkshire Division)

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 on the western edge of Thirsk, close to Carlton Miniott. The site is 3.94 hectares and currently contains the vacant buildings that were previously used by Austin Reed Ltd, as a place for clothing manufacture; the site has been largely vacant since Austin Reed closed in 2016. The current factory buildings are set back from the road with areas of green space acting as a buffer; there are a number of mature trees located within the greenspace. The site is located within the Development Limits of Thirsk and is Brownfield Land.
- 1.2 The site is located in an area of mixed use on the south side of the A61 close to Thirsk Train Station to the north west. To the north of the site on the opposite side of the A61 is Thirsk Racecourse, beyond which are agricultural fields. To the east of the site is a mixed used development that consists of a Care Home, vacant land and various commercial and office uses beyond which is residential development along Station Road leading towards Thirsk Town Centre. To the south are agricultural fields leading down to the Sowerby Gateway development which lies further to the south. To the west is Saxty House, a residential property with associated outbuildings to the rear, beyond Saxty House there are further residential properties and a public house.
- 1.3 There is a public right of way that leads south from the A61 behind the residential properties that are located to the west of the site and to the rear of the application site itself, the footpath then heads south and links up to Sowerby at Green Lane West. The proposed layout includes a footpath up to the southern boundary of the site to allow a link to be provided to this public right of way.
- 1.4 The application seeks consent for the redevelopment of the site for residential purposes. It is proposed to demolish the existing buildings on the site and construct 112 dwellings with associated infrastructure. The mix of dwellings proposed is as per the table below

Market Units	4 bedroom	33
	3 bedroom	21
	2 bedroom	51
	2 bedroom bungalows	7
Total		112

- 1.5 The dwellings proposed are mainly two-storey, comprising a mix of detached and semi-detached houses with some bungalows also provided. There are no affordable dwellings proposed.
- 1.6 The materials to be used consist of a mix of facing brick with an element of render with a mix of red and grey roof tiles (final details to be agreed through condition). Rear garden areas will generally be enclosed by 1.8m high timber fencing with those on corner plots that are visible from the street scene being enclosed by 1.8m high brick wall. 0.9m high estate railing will be used in part along the properties close to the entrance of the site as this will mark the boundary between the open space areas and the highways and/or property boundaries.
- 1.7 The main areas of open space are provided to the front of the site, there will be additional planting provided within the open space and along the road frontage. A play area will also be provided, final details are to be agreed through condition however the draft plan indicates a well-equipped play area together with seating and footpaths.
- 1.8 Due to the presence of the existing buildings on site and their floor space in comparison to the floor space proposed the development is exempt from the Community Infrastructure Levy.
- 1.9 Improvements have been sought in relation to the comments made by the Designing Out Crime Officer, the highway layout has been amended in response to comments received, the siting of the bungalows altered in response to Officer concerns

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 It is considered there is no site history relevant to this proposal.

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 CP6 - Distribution of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 Affordable Housing Supplementary Planning Document (SPD); adopted 7 April 2015
 Open Space, Sport and Recreation SPD; adopted 22 February 2011
 Sustainable Development SPD; adopted 22 September 2009
 Size, Type and Tenure of New Homes SPD; adopted September 2015
 National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – Recommend approval. Would like to see speed limit reduced to 30 mph to the east of the development and measures incorporated to prevent overspill parking from the railway station.
- 4.2 Highway Authority – comments have been received that advise that the internal layout of the estate roads meet the design standards of the Highway Authority, formal comments regarding the suitability of the A61 as a means of access to the site are awaited however it has been confirmed the Highway Authority are satisfied with the submitted transport assessment and supporting information. A further update will be provided.
- 4.3 Environmental Health – no objections
- 4.4 Police & Architectural Liaison Officer – overall design and layout of the proposed scheme considered acceptable subject to two small amendments relating to boundary treatments for certain plots (Officer note: the required changes have been implemented).
- 4.5 Public Rights of Way – no objections raised
- 4.6 NYCC Education – no requirement for developer contribution. There is capacity at Thirsk Community Primary School.
- 4.7 Local Lead Flood Authority – no objections subject to conditions
- 4.8 Yorkshire Water – no objections subject to conditions and note that there is no restriction on the capacity of the foul sewer downstream of the site to preclude development of the site.
- 4.9 Swale & Ure Drainage Board – no objections, consent should be sought from the Board if required.
- 4.10 Network Rail – no observations to make
- 4.11 Contaminated Land Officer – no objections subject to conditions
- 4.12 Environment Agency – no comments received
- 4.13 NY Fire & Rescue – consulted as a neighbour, no comments received

- 4.14 Public comments – an objection has been received from a resident within Thirsk and two objections from residents on Station Road, these raise concern over the traffic impact, drainage, sewerage, pressure on local services and seeking retention of landscaping features.

A representation was also received from the neighbouring care home which raised no objection in principle but requests conditions for working hours, restricting mud on the highway, dust, noise and vibration.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are:

- (i) the principle of development;
- (ii) affordable housing and housing mix;
- (iii) design of the dwellings and the impact on the character and appearance of the area;
- (iv) highway issues;
- (v) residential amenity;
- (vi) flooding and drainage;
- (vii) landscaping, open space ecology; and
- (viii) land contamination issues

Principle

- 5.2 The site is considered to be brownfield land, Policy CP1 of the Local Development Framework (LDF) states development should utilise previously developed land ('brownfield' land), where that land is in a sustainable location. Policy CP2 of the LDF states development should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided. Policy CP4 states development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the settlements in the hierarchy.
- 5.3 The site is located within the Development Limits of Thirsk which is a Principal Service Centre within the Settlement Hierarchy, the Local Development Framework directs development to service centres. The site is considered to be in a sustainable location, it is within convenient walking distance to the train station, there is a bus stop close by, and services within the town are also accessible by foot or cycle.
- 5.4 The proposed development is considered to be a natural infill of the site with a scale of development that is considered appropriate to its location within the limits of Principal Service Centre.
- 5.5 LDF Policy DP17 seeks to retain employment sites and states sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted unless the development fulfils at least one of four criteria listed. Criteria ii is relevant to this proposal and states 'evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future'.

- 5.6 The site is not allocated for employment use but its most recent use was for employment as the Austin Reed Ltd site. The applicant has submitted information relating to the marketing of the site for employment uses. The site has been actively marketed from early summer 2016 for approximately 18 months by a firm of national agents that specialise in commercial property sales. The supporting information states 8 enquires have been made, of these 4 related to residential development, 1 related to a care village and 3 related to employment uses. Of the three enquiries regarding employment none progressed beyond the initial enquiry stage.
- 5.7 The Housing and Economic Development Needs Assessment (HEDNA) published in June 2018 makes reference to Thirsk and the Austin Reed site. The report states there is a considerable amount of available industrial floor space in Thirsk, however this includes the Austin Reed site, which as it was built for a specific occupier may prove difficult to reuse. This is relevant to the criteria relating to the loss of employment land within DP17 in that it suggests a new user of the site may be difficult to find and accords with the report of the sellers agent.
- 5.8 It is considered the proposed redevelopment of this site does conform with policy DP17 given that the site has been actively marketed for a reasonable amount of time and no new employment use can be found for the site.
- 5.9 The site has also been assessed for alternative uses through the preparation of the new development plan, this new local plan is not currently at a stage where it can be taken into account and although noted the potential allocation of the land for development cannot carry any weight in the determination of this application.
- 5.10 Given the location of the site within the development limits of Thirsk and as a sufficient attempt has been made to market the site and seek an alternative employment use the redevelopment of the site for housing is considered to be acceptable in principle.

Affordable Housing and Housing mix

- 5.11 LDF Policy CP9 states that housing developments of 15 or more dwellings in the Service Centres must make provision for an element of housing which is accessible and affordable to those unable to compete in the general housing market with the Service Centre of Thirsk having a target proportion of 40% affordable housing provision.
- 5.12 When the application was submitted the applicant considered the Vacant Building Credit applied to the site and given the floor space of the existing buildings on the site and the 'credit' this provided in terms of affordable housing provision there was no requirement for affordable housing on the development. At that time the Vacant Building Credit formed part of a Written Ministerial Statement (WMS). However the starting point for the determination of a planning application is the development plan unless material considerations indicate otherwise, the WMS is capable of being such a material consideration.
- 5.13 The WMS stated that by lowering the cost of construction it seeks to encourage development on brownfield site and diversify the housing market by assisting small and medium sized developers. Bellway Homes, as a national housebuilder is not considered to be a small or medium size developer and ultimately the WMS was not intended to assist developers of this scale. It was therefore considered the WMS was not a material consideration that would justify a departure from the development plan.
- 5.14 There is a clear policy requirement for affordable housing in the LDF Policies CP9 and DP15. Policy CP9 allows that affordable housing provision may be adjusted according to viability evidence. Subsequently the applicant carried out a viability

appraisal and submitted a report that concluded it is not viable to provide on affordable housing at the site. This report was assessed by the council's preferred consultant who concluded the residual land value produced by the applicant in respect of the site appears to be reasonable and in line with other residential development site sales in the local area. Accordingly the viability assessment showed that the provision of affordable housing was not viable and the development of the site without affordable housing would not breach the LDF policies. Further consideration of the matter has identified that grant funding from Government may be available to secure affordable housing on the site.

- 5.15 The NPPF 2018, published after the applicant carried out the viability assessment now includes the provision of Vacant Building Credit. The NPPF states '*to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount*'. The reduction would be equivalent to the existing gross floorspace of the existing buildings, which in this case is greater than the proposed floorspace and would therefore result in an affordable housing provision of zero. The NPPF 2018 therefore provides further weight to the development of the site without affordable housing.
- 5.16 The housing comprises a mix of two, three and four bedroom properties, including detached and semi-detached houses and bungalows. A target mix is included in the Council's Supplementary Planning Document on size, type and tenure of new homes.

Type	SPD Target %	No Units	% Units
1bedroom house	10%	0	0%
2bedroom house	35%	51	45.5%
3bedroom house	25%	21	18.75%
4bedroom house	10-15%	33	29.5%
2bedroom bungalow	10%	7	6.25%

Table: Housing Mix compared against SPD Target Mix

- 5.17 Whilst the proposed mix is not strictly in accordance with the targets in the SPD it is considered that as the proposal provides 64.25% of dwellings that are two or three bedroom together with a provision of 7 bungalows achieves 70.5% 2 and 3 bedroom units and is acceptable and will provide for the size and type of housing shown to be required within the district.
- 5.18 Therefore, whilst the development does not entirely accord with the target mix set out in the SPD, it does deliver a mix of dwelling sizes as required by Policies CP8 and DP13.

Design and impact on the character and appearance of the area

- 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 130, 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 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage. The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.22 The applicant has submitted a Design and Access Statement in support of the proposals in which they conclude *'the design team have proposed a sustainable and high quality living environment which makes efficient use of land in terms of housing numbers and density. The proposal is a well planned sustainable solution with dwellings which will meet high architectural standards alongside the creation of pleasant and well planned streets.'*
- 5.23 The Statement describes the character of the immediate surrounding area as having pockets of development with differing uses and it is acknowledged this is correct with commercial and residential uses present along this part of Station Road. Site features meriting retention are listed as the existing open greenspace along the frontage and some of the existing trees and boundary planting.
- 5.24 Community views were sought through written consultation with approximately 900 properties close to the development site and local Councillors. A public exhibition was also held in the town where the project team attended to speak to residents. Issues raised during the public consultation process have been considered by the technical reports submitted as part of this application. Some comments were received relating to design but were not specific for example 'looks to be a good, well thought plan' and 'generally in favour of what looks to be a good scheme'. There were no comments that raised specific design issues for the applicant to address or include in the scheme.
- 5.25 The Design and Access statement states the proposed development respects and maintains the character of the nearby existing settlement. Along Station Road there are residential properties that vary in size, style and design and it is considered the proposed house types will not unduly impact on the character or appearance of the area. Street scene drawings have been submitted and provide views of the key aspects that will be visible from Station Road, there is a mix of housing styles and a variety of materials that will provide interest within the street scene. The buildings on the site at present do not provide an attractive frontage and the redevelopment of the site will improve the visual amenity of the area. The site frontage does however benefit from a large area of green space.
- 5.26 A key design characteristic of the proposal is a village green feature at the entrance to the site, the development itself is generally set back from the road frontage and this respects the existing positioning of the current vacant buildings on the site. The use of this greenspace helps to soften the developments' impact whilst also providing opportunity for sports and recreation. There are a number of trees within this space that are to be retained including the main group closest to the front of the site; this will contribute to the overall visual amenity of the development. Further landscaping will

also be provided within the open space which will improve the visual appearance and impact of the development.

- 5.27 There is an existing mature hedge along the southern boundary, this is to be retained as part of the development, this is welcomed and will help to soften the visual impact from the south where there is a public right of way. The existing conifer trees to the western boundary are to be removed in part, the remaining part will be cut back and boundary fencing put in place. The existing building adjacent (Hambleton Grange) will provide some screening of the development when viewed from the east along Station Road.

Highway issues

- 5.28 The applicants have submitted a Transport Assessment and Travel Plan with the scheme, initial concerns were raised by NYCC Highways regarding the data used and further information was requested relating to the "ghost island" right turn lane and consideration of other transport modes for links into the town centre area were required. Updated information has been submitted by the applicant and NYCC Highways have been consulted, we currently await a formal response however the Engineer has confirmed they are satisfied with the revised information, an update with any further comments will be provided at the committee meeting.
- 5.29 In terms of the layout of the scheme and the parking provision, initial comments from NYCC required some amendments to be made, the applicant made the changes that were required and updated comments from NYCC confirm the layout is acceptable and confirm the parking standards are correct to NYCC specification.

Residential Amenity

- 5.30 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The nearest neighbouring properties lie to the west of the site, with Saxty House being the closest. The side elevation of one of the proposed bungalows would be closest to the boundary with Saxty House. The side of Saxty House faces the application site; the property has some secondary windows that face the site. The presence of the bungalow adjacent to this property will ensure there is no overbearing or overshadowing impact. In terms of overlooking the presence of the bungalow does not raise any concern in this respect, further back within the site are two storey dwellings that would back on to the rear garden area of Saxty House, these are set away from the dwelling itself and would not therefore unduly impact on the privacy of the dwelling itself. The rear elevations of the properties on this boundary are approximately 10m from the boundary. Given this distance and the siting of the proposed dwellings it is considered there will be no undue impact on the occupiers of Saxty House. The site has some slight changes in level close to this western boundary, a condition can be added to ensure the levels are acceptable in terms of the impact on this neighbouring property.
- 5.31 Other residential properties within the area are considered to be of a sufficient distance away to ensure there will not be an unacceptable impact on their amenity. It is also noted the Environmental Health Team have raised no objections to the proposal.
- 5.32 Comments have been received on behalf of the residential care, there is no objection in principle however it is requested construction hours are limited together with noise, dust and vibration. It is acknowledged there will be some disturbance during construction of the development however this will be temporary and can be suitably managed through an appropriate construction management plan. It is considered the

siting of the proposed dwellings will ensure there is no significant impact on the amenity of the residents of the care home.

- 5.33 In terms of the amenity of the occupiers of the proposed dwelling, the layout provides the required separation distances to ensure there is no unacceptable overshadowing or overbearing impact between the properties and also in terms of positioning and distance to habitable room windows. The properties along the eastern boundary adjoin a commercial/industrial area, there is high level timber fencing proposed along the boundary between the care home site and plots 18 – 21, the existing conifer hedging is to be removed however given the siting of the care home building in relation to the proposed dwellings it is considered the 1.8m high fence will be sufficient. The existing hedging to the rear of plots 22-32 will remain in place but will be cut back, 1.8m high fencing will also be erected along the boundary and it is considered this will provide sufficient screening from the commercial/industrial area beyond this boundary. The presence of this high conifer hedging raises concern in terms of overshadowing of the proposed dwellings. This part of the hedging is outside of the applicants control and they therefore can only carry out limited works. Its presence is a concern however it is acknowledged it is the rear elevations that face the hedging which is to the east, there is potential to cause some overshadowing however this would be throughout the morning only. Overall, it is considered the impact of this planting would not be significant and should any issue arise with the future occupants at the site it could be pursued through high hedge legislation. Plot 33 which is in the south eastern corner will have 1.8m fencing to the side boundary together with hedging, the side of this dwelling faces the eastern boundary, and it is considered the proposed boundary treatment will be sufficient to ensure satisfactory level of amenity.
- 5.34 To the rear of Saxty House on the western boundary there are a number of outbuildings that have been used for commercial purposes including vehicle repairs. The properties will have high level timber fencing along the boundary with these buildings and it is considered this will provide sufficient screening.
- 5.33 The southern boundary hedge is to be retained, there was some concern regarding the impact of this on the garden amenity space for the properties along this boundary and potential overshadowing however it is noted the land level drops away where the hedge is located and provided the hedge is maintained appropriately it is not considered there would be any undue impact and its retention is considered appropriate. It is further noted the proposed fencing along the rear boundaries of these plots is for metal paladin fencing, this will provide a secure boundary for the residents whilst allowing the hedge to thrive and also allow the residents to maintain the hedge.
- 5.35 In terms of the potential for crime and the impact this may have on the amenity of the occupiers of the proposed dwelling, the developed has been designed with this in mind the Police & Architectural Liaison Officer has stated the overall design and layout of the proposed scheme is considered acceptable subject to two small amendments relating to boundary treatments for certain plots. The applicant amended details in accordance with these comments.

Flooding and Drainage

- 5.36 The Flood Risk Assessment states that foul water will discharge to the public foul sewer. Yorkshire Water has confirmed there are no known capacity issues on the sewerage system downstream of the application site and having assessed the information submitted in relation to foul drainage, raise no objection subject to a condition which requires the details of the disposal of foul water to be submitted and approved prior to development taking place. An appropriate condition is recommended to be attached.

- 5.37 In terms of surface water drainage the Local Lead Flood Authority has provided comments on the proposal. It is stated there are no objections to this application being granted permission, subject to conditions. The applicant is proposing to discharge surface water from the site by means of individual plot soakaways and has provided information relating to testing that has been carried out to show conditions are suitable for this. The tests show that infiltration rates are within the bounds of acceptability but a sufficient number of tests were not carried out and further testing to standard should take place. These comments were forwarded to the applicant and further test results have been submitted and the LLFA has stated they have shown reasonable infiltration rates across the site and it is therefore likely soakaway will work.
- 5.38 The LLFA also state that groundwater monitoring needs to be carried out to demonstrate that groundwater levels will remain a minimum of 1 metre below the level of the proposed soakaway design and a condition is recommended to ensure this takes place. Records of ground conditions submitted with the application indicate that groundwater was not encountered until much lower than the 1 metre level.
- 5.39 In terms of Flood Risk, the site is located within Flood Zone 1 and is considered to be at a low risk of fluvial flooding. Two areas adjacent to the site are shown as being at high risk of surface water flooding. The LLFA have stated care must be taken when designing site levels that these areas remain outside the site and are not conveyed into it. A levels condition will be added to the application. Groundwater flooding has been discounted as a risk and the groundwater monitoring should confirm groundwater levels.
- 5.40 Subject to the conditions recommended by the LLFA the proposal is considered acceptable in terms of drainage and flood risk.

Landscaping, Open Space and Ecology

- 5.41 Policy DP31 of the LDF states that '*Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value*'. A preliminary ecological appraisal has been submitted which states the site is occupied by a small range of species of limited ecological interest. Reference is made to a mature oak tree and mixed native hedgerow along the southern boundary as these represent the features of greatest ecological interest and should be retained. The applicant has shown on the amended plans that these features will be retained and a condition will be added to ensure they are retained and protected during construction.
- 5.42 The site is unlikely to attract anything other than low-level irregular foraging by a limited range of common bat species and would not be expected to be of importance to the local population. A number of recommendation are made to limit any potential impact on bats, hedgehogs and nesting birds together with recommendations for ecological enhancements which the applicant appears to have included in the submitted landscaping plan. A condition can be added to ensure the development is carried out in accordance with the recommendations made within the ecological appraisal.
- 5.43 In terms of landscaping, there are a number of trees on the site that are to be removed to facilitate the development. The two main groups towards the front of the site are to be retained and form part of the open space within the development. The

mature oak tree and mature hedging to the rear of the site will also be retained which is welcomed.

- 5.44 The landscape masterplan shows the existing trees that will be retained within the open space areas to the front of the development will be supplemented by additional planting of trees and hedging which will provide an attractive frontage. The landscape masterplan also shows areas of planting throughout the development, properties towards the entrance are to have shrubs planted in front of hedgerows which will have a positive impact on the visual amenity of the development. A number of properties will have hedgerows to the front together with additional tree and shrub planting to selected plots. It is considered the landscaping scheme is acceptable and provides an appropriate level of landscape features within the development. The development is considered to be in accordance with LDF Policy DP33.
- 5.45 The development provides areas of amenity green space and also a play area. A draft plan for the play area has been submitted and it shows a well-equipped play space. The play area is located at the entrance to the site, as the play area is shown to be fully enclosed with fencing and also gates that are positioned away from Station Road it is considered its location is appropriate. Furthermore, this location would make its use more attractive to people passing the site or those living in the wider area and would therefore provide a more widely used public facility.
- 5.46 The applicant has confirmed the public open space and play area will be managed and maintained by a residents' management company.

Land Contamination

- 5.47 The submitted Geo-environmental Appraisal has not identified significant contamination that could pose a risk to sensitive receptors, such as future residents. The report does identify potential pathway between soil contaminants and receptors and there are also areas of the site, such as underneath existing building footprints that have not been investigated which may pose potential risks. The Contaminated Land Officer agrees with the recommendations in the report that require additional post-demolition investigation to assess the extent of any unidentified contamination. The Contaminated Land Officer recommends conditions to control this and these have been added.

Conclusion

- 5.48 The proposals for this site which are within close proximity and well connected to a wide range of services and facilities are considered to be a sustainable form of development. The loss of employment land and the jobs formerly generated on the site is regrettable, however in the absence of environmental harm through the retention of landscape features and the social benefits of a well located site relative to the services and facilities, the provision of play facilities a suitable mix of size, and type of dwelling the potential for affordable housing to be provided if grant funding is available results in a conclusion that on balance the proposals are appropriate and in general accordance with the policies of the Development Plan.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to conditions relating to; (list subject to agreement from applicant regarding pre-commencement 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;
 - 1801.01 Rev M received 5th October 2018
 - 1801.02 received 15th February 2018
 - 1801.BT Rev A received 9th October 2018
 - T_SG2 Rev A received 9th October 2018
 - T_TW1 received 14th February 2018
 - 1801-ABEF-T1 Rev A received 10th September 2018
 - 1801-ACAC-T1 Rev A received 10th September 2018
 - 1801-ACAC-T2 Rev A received 10th September 2018
 - 1801-ALM-A.01 received 10th September 2018
 - 1801-ALM-B.01 received 10th September 2018
 - 1801-BESW-T1 Rev A received 10th September 2018
 - 1801-BESW-T2 Rev A received 10th September 2018
 - 1801-HAMB-T1 Rev A received 10th September 2018
 - 1801-HAMB-T2 Rev A received 10th September 2018
 - 1801-HAMB-T3 Rev A received 10th September 2018
 - 1801-HAWT-T1 Rev A received 28th September 2018
 - 1801-MIDD-T1 Rev A received 10th September 2018
 - 1801-MIDD-T1 Rev A received 10th September 2018
 unless otherwise approved in writing by the Local Planning Authority.

3. No development shall commence until a post demolition 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)

4. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL4)

5. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary an updated Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (see Note for Applicant CL2 and CL4)

6. 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, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6 (six) litres per second. 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.

7. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Eastwood & Partners (Report dated October 2017) , unless otherwise agreed in writing with the Local Planning Authority .

8. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

9. No retained trees, as shown on the Planning Layout Drawing No. 1801.01 Rev M, shall be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with the British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
10. 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.
11. No part of the existing boundary hedging and planting along the southern boundary with Station Road shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved
12. No above ground construction work shall be undertaken until details of the proposed footpath link to the adjacent public right of way shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, that part of the footpath within the application site shall be made available and kept available thereafter.
13. Notwithstanding the proposals detailed in the application no development shall commence until an Arboricultural Method Statement and Tree and Hedge Protection Plan is approved in writing by the Local Planning Authority for trees and hedging within and adjacent to the application site. This must be in close accordance with: (a) BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations; and (b) NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.
14. The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal carried out by Brooks Ecological, dated November 2017, particularly the sections relating to key findings and ecological enhancement.
15. No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:
 - (i) the site construction access(es)
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials including any restrictions on delivery times;
 - (iv) storage of plant and materials used in constructing the development;

(v) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers, to avoid the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;

(vi) measures to control and monitor the emission of dust and dirt during construction;

(vii) a Site Waste Management Plan;

(viii) details of the routing Within each of associated HGVs including any measures necessary to minimise the impact on other road users;

The approved Construction Management Plan shall be adhered to throughout the construction period.

16. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including:
 - a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc;
 - b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development;
 - c) The arrangements the developer shall make for the future maintenance of the Public Open Space;
 - d) The open space shall be completed in accordance with the approved scheme and retained thereafter
17. No above ground construction work shall be undertaken until, a scheme of hard and soft landscaping works is 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. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
18. No building works including excavation, demolition works and delivery of construction materials shall be carried except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
19. Highway conditions to be agreed when formal Highway Authority comments received
20. Surface Water Drainage conditions including; Confirmation of suitability to discharge via soakaway, Maintenance of the drainage system, Runoff rate, Storage Requirements and Maintenance – Brownfield Site and Exceedance Flow Routes (exact requirements to be confirmed by Local Lead Flood Authority)

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17, DP32.
3. To ensure safe development of the site and to protect human health and the environment.

4. To ensure safe development of the site and to protect human health and the environment.
5. To ensure safe development of the site and to protect human health and the environment.
6. To ensure that no foul water discharges take place until proper provision has been made for their disposal
7. In the interest of satisfactory and sustainable drainage
8. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
11. In order to soften the visual appearance of the development and provide any appropriate screening
12. In order to improve accessibility to the site and increase opportunities for sustainable forms of transport to and from the site in accordance with CP1, CP2, DP3 and DP4.
13. To protect the all existing trees on and immediately adjacent to the site that the Local Planning Authority consider provide important amenity value in the locality.
14. To ensure the development does not impact on protected species in accordance with policy DP31
15. In the interest of highway safety and residential amenity
16. To enable the Local Planning Authority to satisfactorily control the development
17. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and to soften the visual appearance of the development in accordance with the Development Plan Policies CP17 and DP32.
18. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

Informatives

1. Internal Drainage Board current guidelines
2. Contaminated Land Notes
3. Waste bins

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