

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 7 November 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 15 November 2018**
Time **10.00 am**
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 NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 18 October 2018 (P.14 - P.15), 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, 18th October, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors S P Dickins and R W Hudson

P.14 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 September 2018 (P.12 - P.13), previously circulated, be signed as a correct record.

P.15 **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) 18/01413/FUL - Creation of new detention basin at Land south of Bedale Rose Avenue, Leeming Bar for Mulberry Homes

DEFER for further investigation of the proposal.

(The applicant's agent, Kate Broadbank, spoke in support of the application).

(Rosemary Walker spoke objecting to the application.)

- (2) 18/00209/FUL - Construction of two detached dwellings and garages together with ancillary external works, drainage and landscape at Land adjacent to Beechcroft Farm, Aldwark for Keepsake Homes Ltd

PERMISSION GRANTED

- (3) 18/00995/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road at The Old Station Yard, Station Road, Alne Station for Mr and Mrs Adamson

PERMISSION GRANTED subject to an additional condition that the gate to the railway access is to be 1.8 metres high and prior to the occupation of the dwellings is to be kept locked and secured, and thereafter is to be maintained in a secure manner.

- (4) 18/01560/FUL - Construction of warehouse and offices at Plot 1, Conygarth Way, Leeming Bar Business Park, Leeming Bar for Mr Stephen Clark

PERMISSION GRANTED

- (5) 18/01132/FUL - Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings for at Bagby Hall Farm, Bagby Mr T Robson

PERMISSION GRANTED

Note: Councillor D M Blades left the meeting at 2.30pm and did not return.

- (6) 18/01472/FUL - Demolition of garage & workshop and construction of a detached four-bedroom, two-storey dwelling at Oak Cottage, Church Hill, Crayke for Mr N Jackson

PERMISSION REFUSED because the scheme was an overdevelopment of the site; harmed amenity of neighbours; provided poor amenity for occupiers, and poor access, together with the contrived design which failed to meet the requirements of the Local Development Framework policies and that would harm the character and appearance of the Conservation Area, and the absence of surface water drainage details.

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

(Simon Cockerill spoke objecting to the application.)

- (7) 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 and Mrs Bowes

PERMISSION REFUSED

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

- (8) 18/01879/FUL - Change of use of (B1) vacant ground floor office to osteopathic clinic (D1) at Suite 4, Springboard Business Centre, 24 Ellerbeck Way, Stokesley, North Yorkshire, TS9 7JZ for Mrs Amelia Mann

PERMISSION GRANTED

- (9) 18/01024/REM - Reserved matters application for six dwellings at D Oakley Limited, 68 Romanby Road, Northallerton for Park Quadrant Homes

PERMISSION REFUSED because the scheme was an overdevelopment of the site with insufficient parking, a loss of amenity to neighbours, and failed to achieve the design requirements of the Local Development Framework.

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

(Andrew Cunningham, spoke on behalf of the applicant in support of the application).

(John Prest spoke on behalf of Northallerton Town Council objecting to the application.)

(John Prest spoke on behalf of a number of residents objecting to the application.)

Note: The meeting adjourned at 3.20pm and reconvened at 3.30pm

- (10) 18/01602/OUT - Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses at OS Field 2719, Stokesley Road, Hutton Rudby for Mr D Bainbridge

PERMISSION GRANTED

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

(Mick Fenwick spoke on behalf of Rudby Parish Council objecting to the application.)

- (11) 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

PRIOR APPROVAL IS NOT REQUIRED

- (12) 18/01169/TPO - Felling of trees the subject of a Tree Preservation Order at The Grove, Skipton on Swale for Mr Jeremy Hogan

PERMISSION GRANTED because the Committee considered that the trees were out of character for the area and that the TPO had outlived its usefulness.

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

(The applicant, Jeremy Hogan, spoke in support of the application.)

- (13) 18/01008/MRC - 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 at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Mr Michael Hepburn

DEFER for further discussions on conditions.

(The applicant, Martin Johnson, spoke in support of the application.)

(Mick Fenwick spoke on behalf of Rudby Parish Council objecting to the application.)

(Alistair Powell spoke objecting to the application.)

- (14) 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 for Mr Sanderson

PRIOR APPROVAL IS NOT REQUIRED

- (15) 18/00005/TPO2 - Tree Preservation Order 2018 No 5 at Land Rear of, St Josephs Presbytery, 1 Tanton Road, Stokesley for Diocese of Middlesbrough

THAT TREE PRESERVATION ORDER 2018 NO. 5 BE CONFIRMED

- (16) 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 and Borin at The Old Model Lodgings, 1A Barbeck, Thirsk for Miss Ruth and Samuel Morris

APPLICATION WITHDRAWN

- (17) 18/00331/FUL - Demolition of existing buildings and erection of 112 dwellings with associated open space, access and infrastructure at Former Austin Reed Site, Station Road, Thirsk for Bellway Homes Ltd (Yorkshire Division) and Thirsk Investments Limited

PERMISSION GRANTED subject to an additional condition requiring the provision of acoustic fencing where necessary.

(The applicant, Paul Thornton, spoke in support of the application.)

The meeting closed at 5.20 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 15 November 2018. The meeting will commence at 10.00am.

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 15 November 2018
Morning Session - 10.00am

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1a	18/01849/FUL Mr P Jones Northallerton Page no: 13	Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses For: Central Northallerton Development Company Limited At: East Road, Northallerton RECOMMENDATION: GRANT
2a	18/01850/LBC Mr P Jones Northallerton Page no: 55	Listed building consent for internal and external alterations to former prison buildings For: Central Northallerton Development Company Limited At: East Road, Northallerton RECOMMENDATION: GRANT

Afternoon Session - 1.30pm

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/01354/FUL Mrs C Strudwick Alne Page no: 69	Construction of dwelling and detached garage For: Mr & Mrs P. Tomlinson At: The Croft, Main Street, Alne RECOMMENDATION: GRANT
2	18/02070/FUL Miss C Cornforth Alne Page no: 79	Full planning application for the construction of a detached bungalow For: Mr Davidson At: Falloden, Forest Lane, Alne RECOMMENDATION GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
3	18/00592/FUL Mrs H Laws Bedale Page no: 87	Residential development comprising 14 dwellings For: Arncliffe Homes Ltd At: The Allotment Gardens, Masham Road, Bedale RECOMMENDATION: GRANT
4	18/01762/OUT Miss C Cornforth Carlton Miniott Page no: 99	Outline application with all matters reserved for a proposed 2 bed detached bungalow adjacent 41 Ripon Way For: Mr & Mrs Wilson At: 41 Ripon Way, Carlton Miniott RECOMMENDATION: REFUSE
5	18/02110/FUL Mr Rowshon Uddin Crayke Page no: 103	Replacement of old conservatory For: Mr John Binks At: Whistling Green, Crayke RECOMMENDATION: REFUSE
6	18/01120/REM Miss C Cornforth Easingwold Page no: 107	Application for approval of reserved matters (appearance/landscape and layout) following outline planning permission - 17/02409/OUT on 12 January 2018 For: Mr Tooze At: Wayside, 1 Oulston Road, Easingwold RECOMMENDATION: REFUSE
7	18/01609/FUL Miss C Cornforth Easingwold Page no: 113	Retrospective change of use to residential For: Ms Jessica Lane At: Annexe at rear of 97 Long Street, Easingwold RECOMMENDATION: GRANT
8	17/02137/FUL Ms A O'Driscoll Great Broughton Page no: 117	Change of use of building and proposed extension to form independent dwelling to replace a residential caravan For: Mr Billy Foster At: OS Field 1961, Broughton Grange, High Street, Great Broughton RECOMMENDATION: REFUSE
9	18/02135/OUT Mrs H Laws Hornby Page no: 123	Outline application for the construction of one dwelling For: Mr M Morrison At: Land west of The Paddocks, Hornby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
10	18/01175/OUT Miss R Hindmarch Huby Page no: 131	Outline application (all matters reserved) for the construction of 5no. dwellings (scheme reduced) For: Mr Steve Chapman At: OS Field 4442, Easingwold Road, Huby RECOMMENDATION: GRANT
11	18/01992/FUL Miss R Hindmarch Raskelf Page no: 143	Construction of 4no bungalows and associated garages and parking facilities For: Mr and Mrs Mandefield At: Land south of Bonny Croft, Back Lane Raskelf RECOMMEND: GRANT
12	18/02101/FUL Mr. M. Pearson Romanby Page no: 155	Construction of a Pig Farrowing House For: Mr Paul Phillips At: Romanby Grange, Boroughbridge Road RECOMMENDATION: GRANT
13	17/00442/OUT Miss C Cornforth Seamer Page no: 159	Outline application with all matters reserved for five dwellings For: Mr M Da Silva At: Stokesley Used Car Sales, Tame Bridge RECOMMENDATION: GRANT
14	18/00856/FUL Miss R Hindmarch Shipton Page no: 171	Retrospective application for conversion of outbuilding to form two dwellinghouses and provision of five parking spaces and associated turning area For: Mrs M Johnson At: Framfield House, Main Street, Shipton by Beningbrough RECOMMENDATION: GRANT
15	18/01008/MRC Mr Sean Rawling Skutterskelfe Page no: 179	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
16	17/02448/REM Miss C Cornforth Thirsk Page no: 189	Reserved matters of appearance, landscaping, layout and scale for residential development of 40 dwellings For: Mr JR Barker & Mrs R Taylor At: Land off St Mary's Close, Thirsk RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
17	18/02129/FUL Mr H Laws Well Page no: 199	Retrospective application for construction of a roof over existing feeding area for cattle For: Mr Webster At: Mowbray Hill Farm, Well RECOMMENDATION: GRANT

Parish: Committee date: 15 November 2018
Ward: Officer dealing: Mr Peter Jones
1a Target date: 29 November 2018

18/01849/FUL

Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses.

**At East Road Northallerton North Yorkshire DL6 1NP
For Central Northallerton Development Company**

This application is referred to Planning Committee as the application site is owned by the Central Northallerton Development Company. The application is also brought owing to the complexity of the policy issues raised and the public interest in the application.

1.0 SITE, CONTEXT AND PROPOSAL

Site Description

- 1.1 The application site comprises the site of the former H M Prison, Northallerton located to the east of East Road, north of The Link and west of Crosby Road. The site extends to 1.46ha and comprises the former prison site along with a small parcel of land immediately to the north of the prison which was used as a public garden. The prison was formally closed in December 2013 and is now vacant and in part demolished.
- 1.2 The site is located east of the High Street, adjacent to the designated boundary of Northallerton Town Centre and approximately 30m from the defined Primary Retail Area and is positioned between the High Street and a main town centre car park. The site is also located within the area of the Northallerton Business Improvement District. The area forms the transition between the town centre to the west and residential areas to the east and has been characterised by the tall walls of the prison boundary and east road which cuts through this part of the town. The area has been relatively austere in character owing to the high prison boundary wall and the dominance of East Road through this part of town.
- 1.3 The site was largely cleared by the Council in 2017 following demolition of the non-listed areas, including the boundary wall. The site consists of two distinct parcels comprising the remaining prison buildings (positioned to the north) and the cleared area at the south.
- 1.4 The remaining five buildings (on the northern portion of the site) have a statutory Grade II Listing. The Quadrangle (comprising the Staff Tenement Range, The 1818 Female Wing, The Governor's House and Link Building) and the 1852 Female Wing.
- 1.5 Retail and commercial uses are located to the west and south west, including the Tesco Superstore and commercial uses on Zetland Street. Northallerton Fire Station

is located to the east, alongside several terraced residential properties. North Yorkshire Police Headquarters is located to the south east in the former Rural Payments Agency building and Crosby Street car park is located immediately to the east of the site.

- 1.6 The Northallerton Conservation Area is situated to the west of the Site. The Conservation Area boundary is centred on the pre-1900 developed area of the Town Centre, the area around the church and South Parade. The Site is not within the boundary, although most of Zetland Street (to the east of the Site) is included along with the Victorian properties and gym on the west side of East Road, whilst the Tesco Store is excluded.

Proposed Development

- 1.7 The Site was acquired by Hambleton District Council in 2015 given its strategic importance to the economic and community well-being of Northallerton. In 2017 the Site was transferred to Central Northallerton Development Company. Wykeland Properties Limited were selected as the preferred development partner by HDC.
- 1.8 The application can be broken down into two main areas. To the north the listed buildings are proposed to be re-used and a new cinema building constructed at the northern end of the site.
- 1.9 To the south 3 new build retail units are proposed, including parking for the whole of the development.
- 1.10 *Schedule of Accommodation (GIA Gross Internal Area)*

Southern Plot

Unit 1 – New build food retail - 744sqm over 2 floors

Unit 2 – New build food retail – 1977sqm

Unit 3 – New build food retail – 124sqm

Northern Plot

Cinema – New build 4 screen Cinema 1267sqm (including ground floor entrance.

Restaurant beneath cinema – 306 sqm

Restaurant beneath cinema – 269 sqm

Restaurant beneath cinema – 297 sqm

Staff Tenement Building. Block A – *Listed Building conversion to 2 retail units and 2 residential units*

- *Retail of 53sqm and 56sqm to ground floor*
- *Residential 32sqm (entrance)*
- *Residential Unit 1: 148sqm to 1st floor*
- *Residential Unit 2: 148sqm to 2nd floor*

Governor's House Block B – Listed Building conversion to restaurant unit over two floors.

- 350sqm over 2 floors

The Female Wing Block C – Listed Building conversion to Office use over three floors.

- 211sqm to ground floor

- 212sqm to 1st floor

- 211sqm to 2nd floor

1818 Female Wing Block D – Listed Building conversion and extension to form office uses and restaurant.

- Ground Floor restaurant

- 149sqm to 1st floor

- 19sqm circulation space at ground and first floors

Link Building Block E - Listed Building Conversion to Office use

- 302sqm office circulation space over 3 floors

- Will form the foyer for Block C and will include an area for a small heritage centre for display of memorabilia and archives from the prison.

Summary of Accommodation

Food Store Retail – 2845sqm

Retail - 109sqm

Residential - 328sqm

Restaurant - 1604sqm

Leisure - 1267sqm

Office - 1123sqm

1.11 The application has been accompanied by the following supporting documentation:

Bat Survey, Archaeology Report, Design and Access Statement, Drainage Impact Assessment, Flood Risk Assessment, Travel Plan, Heritage Statement, Noise Assessment, Retail and Leisure Impact Assessment, Geo Environmental Appraisal, Statement of Community Involvement, Structural Report, Sunlight Study

1.12 The materials submitted for the proposed new build elements include; red facing bricks, shingle cladding and Reglit glass cladding for the cinema. For the supermarket and retail units the materials would consist of red facing brick, fibre cement shingle, standing seam metal cladding, horizontal metal louvres and Kalzip standing seam roof.

1.13 Improvements have been secured as follows:

- Additional information and clarification
- Daylighting Assessment
- Changes to the design of the cinema including the re-positioning of bulky elements of the proposal
- Removal of the external screen to cinema addressing concern about external noise
- Travel Plan to address issues about access in the vicinity of the application site including left turn problems out of the site onto Crosby Road.
- Amendments to the noise assessment

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There have been a number of Government related notifications and applications relating to the operation of the Prison site. The applications considered most relevant to the current proposals are:
- 2.2 74/0707/FUL 29.08.1974 Construction of Garden Building
- 2.3 05/00596/GOV 03.05.2005 Granted. Application for roof replacement
- 2.4 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition of the unlisted parts of former prison and boundary wall
- 2.5 17/02591/ADV 08.02.2018 Granted. Advertisement consent for a mesh banner fixed to existing boarding

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP10 - The scale and distribution of new employment development
 Core Strategy Policy CP10A - The scale of new employment development by sub-area
 Core Strategy Policy CP11 - Distribution of new employment development
 Core Strategy CP13 - Market towns regeneration
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP18 - Support for small businesses/working from home
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP20 - Approach to town centre development

Development Policies DP21 - Support for town centre shopping
Development Policies DP22 - Other town centre uses
Development Policies DP23 - Major out of centre shopping and leisure proposals
Development Policies DP24 - Other retail (and non-retail commercial) issues
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council – No Observations.
- 4.2 Highways England – No objections. The proposed development will have no impact on any junction onto the Strategic Road Network.
- 4.3 Historic England – (summarised) Historic England has raised a number of areas of concern with the proposed development in terms of the level of alteration and extension proposed, the justification and mitigation for these changes and whether the degree of public benefit to be derived, which would otherwise off-set the harm caused, could be derived from a scheme which had less impact on the significance of the Listed Buildings.

Based on these concerns Historic England make the following recommendation:

“Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 184, 193, 194, 196 and 200 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your Authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

- 4.4 NYCC Highway Authority – The Highway Authority is yet to provide their formal response to the proposals. However, they have provided the following interim response, summarised below:

There are matters within the TA & TP which would require amendment for the LHA to fully support the documents. There is not disagreement with the overall principles and conclusions within these reports.

The proposal to provide traffic signals at the junction of the Link and East Road is welcomed. There will need to be the ability for the signals to be linked to the other signalised crossing sites on East Road using some form of intelligent signal control system.

There will be the need for a 'hurry call' for the fire station to enable the signals to assist with exiting The Link when attending emergency calls.

The detailed design of pedestrian links along Zetland Street will need to be addressed to ensure pedestrians are encouraged and accommodated. Zetland Street must not be a barrier which results in additional vehicle rips.

Whilst improving the footway links between the site, East Road and the High Street is welcomed consideration will need to be given to the suitability of routes for modern day use.

The location of the access for all vehicles from Crosby Road is welcomed.

The provision of 2.0 metre wide footways all round the site is welcomed; however the LHA would welcome the provision of a wider footway on the East Road frontage.

There will be a need for a parking management plan –to ensure the owners and tenants are responsible for controlling the use of the parking on site.

There will be a need for a delivery management plan. This will need to cover the timing of deliveries; the safety of deliveries; the routing of deliveries etc. The plan will need to stop the potential of any HGVs trying to leave Crosby Road in northerly direction or from making a right turn into the northern end of Crosby Road from East Road.

Both delivery and parking plans will need to be reviewed regularly - perhaps every 3 years. This could be linked to Travel Plan monitoring.

In conclusion the LHA does not consider there are any matters which would prevent a positive formal recommendation being issued.

- 4.5 NYCC – Planning Services – No comments to make.
- 4.6 NYCC Archaeology - The application includes a report on a major community archaeology excavation, carried out by the York Archaeological Trust. These extensive excavations have successfully recorded a number of significant features and this has greatly enhanced our understanding of the prison. I understand that the report for the archaeological work will be revised with the results of a more discrete and very recent archaeological project that completes this recording. Given the extensive research and excavation that has already taken place I have no further archaeological recommendations to make.
- 4.7 NYCC Lead Local Flood Authority - The submitted documents demonstrate a reasonable approach to the management of surface water on the site. No objections subject to conditions.
- 4.8 North Yorkshire Police - It is pleasing to see that the applicant has taken cognisance of the suggestions made and have reflected this in the design & layout of the scheme. I am satisfied that the current proposals should provide a safe and secure environment for all users.
- 4.9 Ministry of Defence – No objections on safe-guarding grounds.

- 4.10 Environment Agency – Have no detailed observations to make on the proposals.
- 4.11 Fire and Rescue Service - No objection to the proposed development.
- 4.12 Yorkshire Water – No objections subject to conditions relating to surface water run-off, oil and grit separation and foul water disposal.
- 4.13 Hambleton District Environmental Health (Contaminated Land) – Confirm that the methodology and findings are acceptable. No objections subject to conditions.
- 4.14 Hambleton District Council CCTV - A large proportion of the Treadmills site is already covered by Hambleton District Council's Public Space Surveillance System; this will continue to be monitored through the existing arrangements of the system. It is proposed that the provision of at least two additional cameras is to be considered on the site, and that these are networked into the Hambleton District Council system to allow for live time monitoring and reactive police response requests if needed.
- 4.15 Public comments – The application was advertised by way of site notices on Crosby Road, East Road and The Link on 17 September 2018. The application was also advertised in the Darlington and Stockton Times on 21 September 2018.

12 Individual objections to the proposals have been received. These are summarised below:

- There are insufficient public toilets in Northallerton and this application should be an opportunity to deal with that provision.
- This is an ill thought out development, with no thought for the local community.
- Too much development crammed into the northern part of the site.
- The Cinema is massive. The 3 stories height of the cinema is not comparable in this locality.
- Detrimental impact on the Forum, which is a community project and should be offered protection
- Development will be overbearing
- Harmful impact to residential amenity for property on Crosby Road.
- Loss of privacy to properties on Crosby Road. Windows of restaurants will look directly into neighbouring residential properties.
- Inappropriate design adjacent to a heritage site (the former prison buildings).
- Cinema height would be better without the restaurants below.
- What is the purpose of the external screen?
- Events in the square will result in noise and disturbance.
- The Noise Assessment is unreasonable in that it suggests that noise impacts can be mitigated by closing windows or turning the TV up.
- Extensive bin store will lead to smells and unsightly appearance.
- Design looks to the East Road frontage and pays no attention to the residents of Crosby Road.
- Cinemas are out-dated and no longer an attraction. What will happen to this building when the cinema fails?
- Noise and vehicular pollution from increased pedestrian and vehicular traffic to and from the site.

- This facility would be better located at North Northallerton or an existing leisure site.
- Additional concentration of traffic in this area will lead to problems.
- There are already a significant number of shop units available in the High Street, this development is not necessary.
- Money should go into the High Street rather than this site.
- Development will draw people away from the High Street
- The high unsightly part of the development should be in the south, opposite Tesco, rather than near residential and listed buildings in the north.
- Problems of anti-social behaviour and litter
- Impact of daylight for neighbouring properties
- Too few disabled and parent and child parking spaces
- Only one exit for vehicles in case of terror attack
- Concern over vehicles waiting for Aldi trucks to manoeuvre
- Lack of designated crossing points on Crosby Road and The Link
- If trucks leave the site and turn North, they cannot make the turn into Lascelles Lane, this is also a problem for vehicles unloading in the layby as there is no way to make a U turn
- No designated parking for residents of the flats
- Noise and disturbance from the outdoor screen
- The amenity of Crosby Road residents is not sufficiently taken into account
- Food and Beverage offer could be part of a gallery or museum offer and as such the cinema is not needed.
- Alleged benefits to Crosby Road residents is not quantified
- Outside seating will only attract late night anti-social activity
- The large scale retail unit is inappropriate and harmful to the retail function of the High Street
- Is the Victorian sewer able to cope with the demand put upon it by this development?
- The Forum provides other public functions which are effectively subsidised by the cinema offer
- Town Square is the heart of the Town and another civic space will erode this
- East Road was designed to ease congestion in town. Building in this location will result in delays to traffic in the area
- The historic character of the prison should be used to inform the proposed use of the site
- The Women's Wing should be given over to a museum. Northallerton Prison was the first purpose built prison and the site of the largest known Treadmill and as such should be protected for future generations to see
- Development will totally destroy the historic character of the site
- Proposed heritage display is insignificant
- Northallerton needs attractions and not just more retail
- Development will result in the loss of the internal features of the listed buildings

- 4.16 One letter of support has been received, summarised below:
- We need a cinema in the town, why should we have to go to another District to spend our money ?
- 4.17 The Forum has provided a detailed comment on the proposals, summarised below raising concerns about the impact of the proposed cinema:
- Concern about the impact of the proposed cinema on the viability of The Forum Northallerton.
 - This is a charitable business operated from 2012
 - It is a community use for the benefit of the whole of the community
 - Current offer is considered to be financially viable and self-sustaining. Risk losing part of customer base and income stream from screen based offerings at Treadmills
 - Not confident that this income stream can be replaced.
 - Not clear that the proposed “vibrant Northallerton night life” centred on the Treadmills, will have a positive and significant impact increasing attendance at non screen based offer events
 - Concern about potential loss of volunteers if the cinema offer is lost.
- 4.18 A local National retailer has objected on the following grounds, summarised below;
- Lidl is proposed to be located within an area outside of Northallerton Town Centre
 - There are no longer such significant differences between a “discount retailer” and a mainstream retailer and Lidl are really just another food-store operator
 - The site could be occupied by any food-store retailer
 - The sequential test undertaken by the applicant is poor and lacks detailed justification
 - There is no need for the Lidl to be part of this wider site and sequentially the store could be located on another, smaller site. The application fails to accord with the requirements of Paragraph 86 of the NPPF.
 - Evidence base for the new Local Plan includes a Retail and Leisure Study which was published in 2016 which shows the forecast expenditure growth over the study period will be unable to support any additional convenience floorspace over the plan period.
 - The current number of cinema screens in the study area is commensurate with the number which would be supported by the population of the catchment and as such no further screens are needed.
 - The approach taken by the applicant has led to an underestimation of the potential impact of the proposals
 - Question the suggested potential turnover of the Lidl Store which has been adopted in the assessment
 - Applicant has significantly underestimated the sales density and prospective turnover for the convenience element of the Lidl and therefore the impact on the town centre is also underestimated.

- Note that the anticipated trade draw for Lidl assumes only 28% of the store's trade to be drawn from Northallerton and 27% of trade being from other locations outside the study area. This contrasts significantly with the figures presented for the M&S proposal in Northallerton which is suggested to draw 70% of its trade from Northallerton.
- Impact on the significance of heritage assets.

4.19 Northallerton BID has written in support of the proposals, Northallerton BID welcome the redevelopment of the former prison site to complement Northallerton's future retail offering but raise the issues summarised below:

- The physical and visual linkage between Treadmills and the High Street is considered vital to benefit both.
- There is a clear view from Crosby Street car park down Zetland Street to the arched alleyway entrance at the Tickle Toby Inn. This should be retained.
- The design should acknowledge the importance of the location and create a high quality urban character to reflect this.
- Enhancements to the townscape character of East Road are welcomed and should be of a high standard.
- Opportunity to significantly upgrade the environmental character of East Road and Zetland Street.
- There is an opportunity for the Treadmills car park to set a new standard. This could include larger parking bays for ease of use, tree planting to provide shade, electric charging facilities, secure cycle parking, CCTV security, cashless/ticketless/app parking, high quality SUDS materials and boundary treatment, promoted links to greenspace trails and history trails

5.0 OBSERVATIONS

5.1.1 The main issues to consider are: (i) The principle of development in this location, including its compatibility with national and local policy and the impact on Town Centre services; (ii) the impact on residential amenity in the vicinity ; (iii) the impact of the proposals on the highway network, parking and connectivity; (iv) the impact of the proposals in terms of drainage and flooding; (v) the impact of the proposals on heritage assets including listed buildings and the setting of the conservation area; (vi) design and; (vii) matters relating to ecology.

The principle of development in this location

5.1.2 The Vision set out in Hambleton's Local Development Framework states that "by 2021 Hambleton's communities will have become sustainable, prosperous, safe, healthy and vibrant. This will all have been achieved in ways that reduce the impact of society on the environment, improve the quality of design of the built environment and protect and enhance Hambleton's environmental assets such as its historic heritage.

5.1.3 Northallerton is a Principle Service Centre as set out in the Spatial Principles within the Local Development Framework, where development will be directed due to the sustainability credentials of the Centre. The five market towns, designated as "Service Centres", will play the leading role in the future development and provision

of services within Hambleton. Most new development will be focused in these towns, with more development being in the main towns.

- 5.1.4 The site is located adjacent to, but outside of the defined town centre but within the development limits of Northallerton. The site is also considered to be previously developed (brownfield) land.
- 5.1.5 Core Policy 1 of the Local Development Framework sets out the sustainability requirements for new development and states that “Development should utilise previously developed land (“brownfield” land), where that land is in a sustainable location, in preference to greenfield sites.
- 5.1.6 Core Policy 2 states that development and the provision of services should be located so as to minimise the need to travel whilst Core Policy 3 states that support will be given to proposals and activities that protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community well-being.
- 5.1.7 CP4 states that development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and in the Core Strategy policies, will be supported within the Development Limits.
- 5.1.8 Policy support for the principle of the scheme is provided by CP14 which provides support for maintaining and enhancing the viability and vitality of the districts town and district centres. The policy identified Northallerton as the Main Town Centre, with its function to serve the district. CP14 goes on to state that retail and other town centre development of a scale appropriate to the identified role will be supported provided that it respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function. It is noted that relevant impact and sequential tests will deal with whether the detail of the application itself is appropriate.
- 5.1.9 Further policy support for the application is provided by DP19 which provides policy support for the regeneration of the Market Towns, expressing support for a range of initiatives including the retention and development of a mix of retail, leisure and employment generating uses, support for residential accommodation, enhancement and development of tourism facilities, redevelopment of vacant and underused sites close to town centres, including public realm enhancements, maintenance and enhancement of the architectural and historical interest and the unique sense of place.
- 5.1.10 DP20 provides support for town centres and encourages uses, activities and investment that will sustain or enhance their character attractiveness, conservation, heritage, vitality and viability and lead to the centres becoming more vibrant and economically successful. It establishes the town centre boundaries for the purposes of the policy. DP20 also provides support for the element of the proposal that is related to the development of the evening and night time economy, subject to relevant checks and balances.
- 5.1.11 DP21 provides support for the shopping role of town centres, and designates the primary retail areas. It states that permission will be granted for appropriate retail development in order to maintain and improve provision in the Service Centres. Retail development will be approved of a type and scale that supports the functions of the town centre. In the case of Northallerton development that increases the range of comparison goods will be approved.

- 5.1.12 DP22 states that development of appropriate non-shopping town centre uses in the town centre boundaries, sites for appropriate non-shopping uses would be sought firstly within the defined Town Centres, before development would be considered acceptable on the edge (or outside) centres.
- 5.1.13 DP23 sets the policy approach to applications for major shopping proposals in locations outside the Primary Retail Areas designated under policy DP21, of more than 500 sqm gross floor area will not be permitted to protect the viability and viability of the existing town centres subject to appropriate sequential and impact tests.
- 5.1.14 The NPPF provides support for town centres as the heart of local communities, and indicates that policies and decisions should take a positive approach to the growth, management and adaptation of town centres (Paragraph 85). Paragraph 86 of the NPPF establishes the requirement for the sequential test for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan.
- 5.1.15 Paragraph 87 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 89 states that an impact assessment should be required if the retail/leisure development is outside the town centre and over a proportionate, locally set floor-space threshold (or 2500sqm, gross where no local threshold). The NPPF remains clear that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on investment in centre(s), or the vitality and viability of the town centre it should be refused.
- 5.1.16 The application site is located outside but adjacent the town centre boundary. The town centre boundary is located to the west of the site on the opposite side of East Road. East Road along the western boundary of the site. The site is outside the primary retail area, however it should be noted that the Primary Retail area extends along the southern side of Zetland Street. Zetland Street is located just to the west of the application site. The application seeks development of retail uses over and above the policy threshold of 500 sqm established in DP23, and 2500sqm in NPPF paragraph 89. Therefore a sequential test and impact test are required and have been submitted as part of the application. In this case the site is located 150m from the junction of Zetland Street and the High Street and the entrance to the larger of the retail units is approximately 300m. The site is also located between this point and a main town centre car park.
- 5.1.17 In conclusion, subject to examination of the impact of the proposals on the viability and vibrancy of the Town Centre, the principle of development in this location which is a short distance from the centre of the High Street and comprises a brownfield site, is considered to be acceptable.

5.2.0 **Retail Impact**

- 5.2.1 The applicant has submitted a detailed Retail and Leisure Impact Assessment. The Council has sought advice on the content and conclusions of this assessment from G L Hearn and their response is reported elsewhere in this report.
- 5.2.2 In general terms policy requires new retail and shopping facilities are to be directed to town centre locations, in order to protect the character, vitality and viability of the town centre, which remains the heart of the town.
- 5.2.3 DP20 sets out the approach to town centre development, noting that the application site is not within the defined town centre but immediately adjacent to it, DP20 seeks to encourage uses, activities and investment that will sustain or enhance their

character, attractiveness, conservation heritage, vitality and viability – and lead to the centres becoming more vibrant and economically successful.

- 5.2.4 DP21 further re-enforces the requirements of DP20 by setting out support for town centre shopping within the Town Centre boundaries designated under Policy DP20, giving priority to development in the Primary Retail Areas defined on the Proposals Map. In the case of Northallerton, development that increases the range of comparison goods retailing (including national multiples and small local independent traders) will be approved. It must be re-iterated that this policy expresses this support in terms of development within the defined Town Centre, but is useful in terms of setting the priority for development and the relationship of this site to the Town Centre.
- 5.2.5 Again DP22 sets out support for other town centre uses including the development of appropriate non-shopping town centre uses, such as commercial leisure and entertainment, cultural facilities, residential development, community facilities which attract users from a wide area, and town centre related office uses (non-retail commercial A2 uses), and potentially B1 offices, which will be encouraged to locate within the Town Centre boundaries. Sites for appropriate non-shopping uses should be sought firstly within the defined Town Centres, before development would be considered acceptable on the edge (or outside) centres.
- 5.2.6 Policy DP23 sets out the position for major out of centre shopping proposals, such as that now proposed, and states that major shopping proposals in locations outside the Primary Retail Areas designated under Policy DP21, of more than 500 m. sq. gross in size will not be permitted, in order to protect the vitality and viability of existing town centres, unless the proposal can be demonstrated to be acceptable.
- 5.2.7 The policy then sets out a number of criteria to be met to ensure that development is acceptable in terms of the policy:
- i. the need for the proposal, in quantitative and qualitative terms outweighs other planning considerations; and
 - ii. there are no suitable viable and available sites both within or on the edge of the existing Primary Retail Areas, being flexible about format, scale, design and parking provision; and
 - iii. there would be no adverse impact upon the vitality and viability of existing designated Primary Retail Areas; and
 - iv. the proposal would be accessible by a choice of means of transport (including public transport, cycling and walking), and the local transport system is capable of accommodating the potential traffic implications.
- 5.2.8 It should be noted that there is no requirement in national planning guidance to demonstrate the need for proposals. Furthermore the impact on vitality and viability needs to be considered on the basis of the centre as a whole, not just the PRA.
- 5.2.9 In order to assess whether the proposed development is able to meet the requirements of the above policy and national policy the applicant prepared a Retail and Leisure Impact Assessment which reaches the following conclusions (summarised):
- *it is demonstrated that there are no (alternative) available sites that are suitable to accommodate the proposed development*

- *it is demonstrated that the limited planned and committed investment within the study area will not be adversely affected*
- *any trade diversion experienced from Northallerton, and other retail facilities as a result of the Treadmills scheme is identified to be negligible.*
- *the leisure element of the Treadmills scheme will offer a point of differentiation from the existing offer in Northallerton town centre and beyond. It offers the scope to increase cinema participation through providing the only multi-screen facility in the district, and there will be no material competition or diversion of custom/trade from existing facilities*
- *there will be no significant adverse impacts on the vitality and viability of the Northallerton town centre*
- *it is demonstrated that the proposed development accords with the retail policy tests of the NPPF.*

5.2.10 In short, the applicant's study concludes that the proposed development will have no detrimental impact on the Town Centre or other Centres in the District and due to the improved mix and quality of the retail and leisure offer will improve the offer in Northallerton and actively improve customer spend across the Town.

5.2.11 The Council contracted G L Hearn to assess the methodology and conclusions set out in the applicant's submission in order to give assurance that the applicant's findings are reasonable. Their assessment concludes that:

- The application is supported by the necessary supporting retail information which covers the sequential approach to development and the impact of the proposal.
- There are no suitable or available sites to accommodate the application proposals.
- The health check assessments are supported
- There is a weakness in the overall leisure offer within Northallerton
- The proposal would have no significant adverse impact on any investment within Northallerton Town Centre.
- A sensitivity analysis has been carried out to look at the potential impact of a non-discount retailer. This analysis results in broadly the same conclusions.

5.2.12 G L Hearn conclude that the proposals accord with local and national retail policy.

5.2.13 In terms of the impact on trade and turnover, the original assessment utilised the turnover figures for Lidl for the entire development. This needed to be assessed further in the form of a sensitivity assessment and a number of elements needed some further clarification before a conclusion could be drawn as to whether the scheme would not result in significant adverse impact in order to comply with the retail policies of the Local Plan and the NPPF. This was provided by the applicants and the overall findings are supported by GL Hearn.

5.2.14 Whilst there are short term impacts on Thirsk town centre, this is principally due to the intended operator drawing trade from its own operation in Thirsk. However it should be noted that this store is significantly overtrading such that these are not considered to be significantly harmful and will effectively relocate trade from one town centre to another.

5.2.15 The evidence both from the applicant and the Council's own retail consultant is that there would be no significant harmful impact from the retail elements of the development on the vitality and viability of the Town Centre or wider retail catchment.

- 5.2.16 Nor would there be any significant adverse impact on existing, planned or committed public or private expenditure. Indeed the public sector investment proposed for Zetland Street and the pedestrian links with the High Street relate directly to the proposed prison site development which forms the main justification for this investment.
- 5.2.17 It has been demonstrated that there are no suitable viable and available alternative sites or sites likely to become available within the Primary Retail Area or the defined Town Centre. All the sites identified by the applicant have been individually reviewed by officers and the conclusion is that the applicant's assessment is broadly accurate.
- 5.2.18 Officers have reviewed all vacant property within the Town Centre. There are currently 10 such units within the Primary Shopping Frontage representing 6.7% of the frontage and 17 vacant units in the primary retail area as a whole (including the 10 in the Primary Shopping Frontage), representing 9.2% of the units. These are generally older properties providing individual smaller units with no vacant units of suitable size or form. There are thus no sequentially alternative sites or premises available.
- 5.2.19 Although outside the currently defined Town Centre boundary, in reality the site is within just a short walking distance of the centre of town; the Governor's House is approximately 350m from the Market Cross, via Zetland Street..
- 5.2.20 It is noted that the preferred (discount) operator has entered into a 25 year lease on the site and that the Council will purchase the site from the developer.
- 5.2.21 The question of the potential for the development of the site, in particular the cinema element, to impact on the Forum Northallerton has been expressed through the course of the pre-application consultation and re-iterated at application stage, including through observations made by the Forum representatives.
- 5.2.22 Development Policy DP5 seeks to prevent proposals that will lead to the loss of community facilities unless:
- i. there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii. retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii. an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- 5.2.23 Policy DP5 is not directly analogous because the proposals do not involve the loss of a community facility. However, the aims of the policy need to be considered here in understanding the potential impacts on the Forum Northallerton and the potential for harmful impact on the operation of the Forum.
- 5.2.24 The applicant's statement of community involvement states that "representatives of Central Northallerton Development Company Limited have entered close discussions with the Forum. A meeting was held between CNDC, Hambleton District Council, and the Forum on 29 June 2018 to discuss the Treadmills plans in more detail, understand the requirements of the Forum, and begin a process of agreeing how to work together to ensure both the new cinema and the Forum can thrive in Northallerton."
- 5.2.25 It is further noted that the submitted Retail and Leisure Assessment analyses this matter and concludes that "*the Treadmills will have no significant adverse impact on*

the Forum Leisure Centre. The statement demonstrates that there will be limited overlap in the offer between the proposed cinema and those existing destinations during certain times of the year and/or upon certain film releases.” It is noted that the Forum management do not agree with this assessment.

- 5.2.26 The applicant states that *“the Cinema proposed is operator demand led, with a bespoke design. This new Cinema offer will not directly compete with any existing provision in the area”,* going on to state that *“it fills a very clear gap between the local ‘art house / picture-house’ provision in Thirsk, Northallerton and Richmond, and the traditional multiplex offer at Catterick Garrison”.*
- 5.2.27 The GL Hearn response on behalf of the Council is silent on the specific impact on the Forum, and instead states that, *“it is noted that there is a weakness in the overall leisure offer within Northallerton which accords with the findings of the HRLS and hence the conclusions that the former Hambleton prison site could be suitable to accommodate these needs moving forward”.*
- 5.2.28 The application does not in itself result in the loss of the Forum Northallerton, nor do the proposals have a direct impact on the Forum Northallerton given the proposed differentiation in Cinema offer and as such Policy DP5 does not strictly apply. Generally these issues would be a matter of competition and as such not material to the consideration of the application. In this case the Forum performs a valued community function and as such potential impacts on its viability are considered to be material.
- 5.2.29 It is understood that the existing cinema offer at the Forum effectively cross-subsidies other community activities and as such supports the financial viability of the Forum. Notwithstanding the statements made by the applicant, it seems likely that the proposed cinema will have an impact on the cinema offer at the Forum, although it is unclear as to the severity of this impact or what alternative revenues the Forum might draw on should the proposed cinema impact on the Forum offer. It is for the Council to work with the Forum on initiatives that will ensure its sustainability and it is noted that liaison is underway, including discussions on Council assistance.

Conclusions

- 5.2.30 There are no sequentially preferable alternative sites to accommodate the proposed development and the new retail offer proposed on the site will not have a significant detrimental impact on the viability or vitality of the Town Centre and will contribute positively to the retail offer within the town. The proposal and particularly the mix of uses will make a positive contribution to Northallerton becoming a more vibrant and economically successful centre rather than creating harm. The proposals are considered to meet both national and local policy requirements.
- 5.2.31 The existing leisure offer in Northallerton has been identified as needing improvement particularly in relation to the night time economy and the proposals will result in a significant improvement to this offer as a whole, located in a sustainable location, close to other existing leisure offers within the town, providing a choice and breadth of offer.
- 5.2.32 The proposed leisure offer may have a detrimental impact on the viability of the Forum. , but this should be limited by differentiation in the cinema offer. Discussions are underway between the Applicants, the Council and the Forum to agree how to work together to ensure both the new cinema and the Forum can thrive in Northallerton.

5.3.0 Residential amenity

- 5.3.1 The majority of the proposed new build is relatively low and distant from existing property. However, the cinema at the north end of the site sits directly opposite residential properties on Crosby Road. Whilst some of these properties formerly had the boundary wall of the prison facing them and arguably the development will lessen the impact in terms of both daylighting and sunlight, the properties opposite the cinema formerly looked out onto the community garden.
- 5.3.2 A sunlight assessment has been submitted with the application, which effectively shows the degree of shadowing as a result of the development. This shows that the cinema results in significant shadowing to the houses to the north east of the cinema in the evening and to the north-west in the morning, compared to the existing situation.
- 5.3.3 This effect is relatively common in urban areas, where buildings intervene in the line of the sun and is not considered to have a significant harmful impact on residential amenity.
- 5.3.4 The cinema has been designed with a stepped elevation to the Crosby Road frontage in order to limit the potential for impact in terms of diffuse daylight to the properties opposite. The applicant has submitted a detailed daylighting assessment through the course of the application, which shows that the development complies with recognised daylighting standards. Whilst the Council does not have adopted standards in these terms, Officers consider that the requirements of Development Policy DP1, which seek to protect amenity are met. It is intended that the cinema would be open until 1am. Further discussions are underway with Environmental Health on this point, which will be reported to Committee.
- 5.3.5 Concern has been raised about the impact of the development creating an overbearing character, harmful to the amenity of residents and visitors to the area. The cinema increases in height in steps on the Crosby Road elevation, from 4.6m to 9.7m to 13.7m to the maximum height of 15.4m at the top of the building. The separation distances and stepped form to the west façade of the cinema significantly mitigate the potential impact of what is a large building of considerable height in this locality.
- 5.3.6 The character of the area will change significantly, although it is argued that the development will result in an improvement to the character and appearance of the area, over the former prison walls, excepting that not all properties now impacted by the proposals looked out onto the prison wall.
- 5.3.7 The types and form of use have potential to cause noise and disturbance to existing occupiers in the vicinity.

Nature and scale of use

- 5.3.8 Concern has been raised about anti-social behaviour as a result of an increased late night footfall due to the proposed uses, but also due to the physical layout of the site, likely to encourage people to loiter, in particular having left late night venues in the vicinity.
- 5.3.9 It is accepted that there will be a change to the character and uses in the area as a result of the development. Concern was raised by Environmental Health about outside seating and operating hours, in terms of residential amenity. These issues have been put to the applicant who has omitted the outdoor seating to the west of the 1818 Wing, facing Crosby Road and the area to the north of the cinema. Additionally it is recommended that controls over the remaining outdoor seating areas are applied in terms of the times that they are available. This would restrict the use of the area in front of Unit 7 to before 8 at night and to 11pm for the rest of the quadrangle. The

restaurant uses would be open until midnight, on the basis of last food orders at 10.00pm. Further conditions on this basis are being discussed and will be provided in the Committee up-date.

- 5.3.10 The remaining harm, which cannot be designed out of the scheme, is considered to be able to be mitigated through effective management of the site. The applicant has agreed to contribute toward the local expansion of the District Council's CCTV network. This will allow for the installation of two cameras to be installed, one on site and one adjacent, in order to give as close to 100% coverage of the site as possible.
- 5.3.11 The outdoor screen that was a feature of the cinema external wall has been omitted and as such concerns about amplified noise and large gatherings as a result of this, are no longer relevant.

Noise

- 5.3.12 A development such as this has the potential to generate noise from a number of sources which could cause nuisance to neighbours. These sources include fixed plant and equipment, such as heating and ventilation equipment, general vehicle movements in and around the site, noise from deliveries within and adjacent the site, noise from music within the site along with noise and disturbance from people visiting the site, in particular late at night, antisocial behaviour is dealt with elsewhere in this report. The final element to be considered is noise from construction.
- 5.3.13 The applicant has submitted a Noise Assessment prepared by White Young Green. This has been subject to scrutiny by the Council's Environmental Health Team.
- 5.3.14 The submitted report concludes that:
- *Through the use of appropriate mitigation it is considered that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life.*
 - *For proposed residential receptors there is the requirement for enhanced glazing at the most exposed facades facing East Road and, with regard to compliance with Part F of the Building Regulations, a means of alternative ventilation for habitable rooms on all facades will be required.*
 - *An assessment has been undertaken with regard to noise from the proposed commercial uses including deliveries, car parking and building services plant. The assessment has been undertaken with regard to potential and reasonable worst-case assumptions and establishes that with suitable considerations within the design, significant noise effects are not predicted.*
 - *With regard to deliveries to the foodstores, significant impacts are not predicted during daytime and night-time periods and no restrictions to deliveries to the foodstore are proposed. Deliveries to the other commercial units which are anticipated to occur on the layby's off Crosby Road, are proposed to be restricted to only occur between 07:00 – 23:00 and significant impacts are not predicted to occur.*
 - *Based on the assessments undertaken it is not considered that any existing businesses wanting to develop would be restricted by the proposals.*
 - *An assessment of the existing tranquillity level of the site has been undertaken and this identified that the site is not highly prized for its tranquillity and recreational value in terms of noise.*
 - *The proposed development is considered to have a negligible effect on local access to any areas of tranquillity.*
- 5.3.15 Concern has been expressed about noise and disturbance from deliveries. The retail units in the south part of the site are serviced from compounds within the site, whilst

the restaurants, offices and cinema to the north are serviced from two service bays on the west side of Crosby Road, opposite the housing on the east side of the road.

- 5.3.16 Late night operation of the service areas, in particular those on Crosby Road have the potential to lead to a significant loss of amenity to the residential properties in the locality.

The Environmental Health Officer has recommended that the service hours be limited to the following hours:

6.30am to 11pm 7 days a week.

The applicant is concerned that this would have a significant impact on the operation of the retail functions and suggests a temporary condition restricting deliveries to not more than 5 HGV deliveries during "night time" hours (23.00 hours to 06.00 hours), with the fall back of unrestricted deliveries between 6.30am (06.30 hours) and 11pm (23.00 hours). This matter is currently under discussion and an up-date on this matter will be brought to Committee.

- 5.3.17 Concern has been expressed about the operation of these uses and the expectation that at least some of these venues will be likely to have incidental music or music based events. These matters are considered to be adequately controlled through licensing of the sites concerned.

Construction Noise and disturbance

- 5.3.18 It is inevitable that the development of the site will result in a degree of disturbance to local occupiers. This disturbance is likely to come through vehicular movements, generation of dust and noise along with vibration from ground works. However, this impact will be transient and can be managed and mitigated through the use of a suitable Construction Management Plan, the requirement for which is a recommended condition of any approval. As such, whilst it is acknowledged that construction operations will have a detrimental impact it is considered that these impacts can be mitigated to an acceptable level. Conditions are recommended to be attached to any grant of planning permission covering operational hours of the site and a construction management plan.

Privacy

- 5.3.19 Owing to the layout of the site and position of fenestration on the proposed and existing buildings, the proposed development is not considered to be harmful in terms of direct window to window or window to private amenity space relationships.
- 5.3.20 The proposed development is likely to result in increased footfall in the vicinity of the application site along with an increase in vehicular traffic along Crosby Road. The relationships of private houses, to the footways in the vicinity will not change as a result of the proposals. Many of these footways are close to the front windows of the adjacent housing as is commonplace in urban environments.
- 5.3.21 It is accepted the proposed development will change this dynamic to some degree due to an increase in pedestrian footfall. However, given that the relationship is a pre-existing situation this change is not considered to be significant and as such is considered acceptable in this instance.

5.4 Parking and Highways

- 5.4.1 Access to and from the site and the relationship to the High Street and on and off site parking are crucial to the success of this development, if granted planning permission.
- 5.4.2 A number of comments have raised concern about the impact of the proposed development on the local highway network. Other issues to be considered include parking requirements, on-site safety and connectivity to the High Street.
- 5.4.3 The main vehicular access into the site is from Crosby Road. The vehicular access route is taken from East Road, via The Link to a point approximately half way along the site boundary with Crosby Road. This is the only vehicle access into the site.
- 5.4.4 Vehicles can access the main entrance from the north, from East Road, via the one way slip onto Crosby Road, from Lascelles Lane and effectively through Crosby Road Car Park, which can be accessed from Lascelles Lane.
- 5.4.5 Pedestrian Access is gained from a number of points about the site. However, principle access to the site is gained from two main areas; to the Civic Square in the North, from opposite Zetland Street and opposite Crosby Road Car Park, and in the South from East Road and The Link.
- 5.4.6 North to south access through the site for pedestrians is offered via footpath adjacent to retail unit 2, across the carpark in a westerly direction and then north adjacent to retail unit 1. This provides for a degree of separation between pedestrian traffic and vehicular traffic.
- 5.4.7 Pedestrian connectivity is considered to be central to the success of this site. There is already a significant level of permeability in the built form between the application site and the High Street as a result of Zetland Street and a number of pedestrian accesses within the built form including New Row and Central Arcade.
- 5.4.8 It is noted that the District Council is already developing a scheme with other partners to improve the use of these routes, to improve their appearance and create improved connectivity to the benefit of the Town Centre as a whole. This work, whilst outside the scope of this application will realise significant improvements to the public realm between the High Street and the application site. The funding for this scheme has been secured.
- 5.4.9 The application proposes a total of 126 car parking spaces including 8 child and parent spaces and 8 disabled parking spaces. The disabled parking spaces are located to the east of Unit 1 and south of Unit 2, with all of the parent and child spaces located to the southern site boundary.
- 5.4.10 The proposals include a total of 18 cycle parking stands, accommodating 36 cycle parking spaces (2 spaces per stand) for staff and visitors at the development. Cycle parking is to be provided in a number of locations across the site, including 5 stands adjacent to Block D/E, 4 stands east of Block C, 4 stands south-east of Unit 2, and 5 stands south of Unit 1.
- 5.4.11 It is noted that Crosby Street Car Park, which is one of three main town centre car parks, is located immediately to the east of the site. This car park is owned by the Council and currently has a total of 232 car parking spaces. It is understood that this car park is currently under-utilised.
- 5.4.12 The Transport assessment sets out the methodology for ascertaining parking needs for the development which then concludes that the development could be expected to accommodate up to 95 cars at any given time on a weekday, with up to 100 cars on a Saturday. These projections highlight that the proposed parking provision of 127

spaces, with additional off-site provision in the Crosby Road Car Park and other locations, should be sufficient to accommodate the level of demand generated by the development.

5.4.13 Tesco Car Park and the High Street is also within easy walking distance of the site.

5.4.14 Since North Yorkshire Police moved into the former Rural Payments Agency building on the corner of The Link and Crosby Road, a number of complaints have been received from local residents about on-street parking in the vicinity of the site. The proposed development has been assessed in terms of the parking demands generated by the proposed development and seeks to ensure that the parking requirements for the site are catered for within the development.

Junctions and junction improvements

5.4.15 The proposals include the following highway mitigation works:

- Provision of a new two-way highway access, designed to accommodate even the largest vehicles accessing the site
- Provision of a continuous footway, measuring at least 2.0m in width, around the full perimeter of the site
- Introduction of traffic signal control at the East Road/The Link junction, to include puffin crossings for pedestrians across all arms of the junction
- Retention of the existing puffin crossing on East Road to the north of the site, helping to facilitate movements along the key pedestrian route between the site, Zetland Street and the High Street
- Provision of two loading bays in new laybys on Crosby Road to serve deliveries/servicing movements
- Provision of an informal pedestrian crossing on Crosby Road immediately north of the access to the Crosby Road Car Park

5.4.16 The Transport Assessment submitted by the applicant includes swept path analysis to ensure that the largest vehicles can be accommodated within the site. The applicant considers that the application site is well placed to generate trips by sustainable modes of transport with walking and cycling being realistic travel modes for local journeys given that the built-up area of Northallerton entirely lies within 2km of the site.

5.4.17 It is noted that the site will be accessible from all sides by pedestrians, with a number of routes provided through the site and linking to the town centre a short distance to the west as well as the existing Crosby Road car park to the east.

5.4.18 There are a number of existing and proposed pedestrian crossing facilities which will ensure that the site is highly accessible on foot, with strong links to the town centre as the High Street is a short walk from the site boundary. There are a number of pedestrian links through the built form between East Road and High Street, including Chapel Entrance, New Row, , Black Bull and Regency Mews. These are proposed for improvement through a separate but related scheme.

5.4.19 Through the use of a Framework Travel Plan (FTP) the applicant seeks to provide a strategy for encouraging travel by sustainable modes.

5.4.20 The vehicle trip generation and modal split of the proposed development has been projected using the industry-standard TRICS database, with consideration of each land use and the potential for linked trips between the different uses on and off-site. The traffic projections indicate that when fully occupied, the proposed mixed use scheme is expected to generate 317 two-way vehicle trips during the weekday PM

peak hour (16:45-17:45) and 444 two-way vehicle trips during the Saturday peak hour (11:45- 12:45).

5.4.21 The Transport Assessment was informed by traffic counts undertaken at 8 key junctions across the study area on both a weekday (Northallerton market day) and a Saturday.

5.4.22 The results of this modelling indicate that, subject to the provision of a signalised junction to replace The Link/East Road priority junction, the proposed development will not have a significant impact on the operation of the local highway network. The Highway Authority has raised no concerns about the level of car parking proposed in the application.

The Highway Authority is satisfied with the methodology set out in the Transport Assessment in terms of trip generation and the modelling of the local network.

5.4.23 The Highway Authority is satisfied that the proposed development will have no significant harmful impact on road safety or the effectiveness of the local highway network.

5.4.24 Specific issues have been raised regarding the ability for large vehicles to navigate elements of the local highway network. In particular concern has been expressed about the potential for large vehicles to turn left out of the site as they would be unable to make the right turn into Lascelles Lane necessitating a reverse manoeuvre along Crosby Road. This would be a particular problem if large vehicles approach the loading bays on Crosby Road, adjacent the northern section of the site, from the south.

5.4.25 The applicant has provided the following response to the Highway Authority initial comments.

- Pedestrian crossing locations have been reviewed, with existing positions retained where they are considered to represent the best compromise between pedestrian desire line and other traffic management considerations.
- 'Hurry call' for the fire station can be integrated into the signal controller setup in due course.
- Pedestrian route to High Street to the north of Boyes is part of the wider 'Hidden Spaces' project and will be delivered by others as part of the granted funded works.
- Previous comments from NYCC Highways indicated that East Road should be the focus of traffic-priority, as it is an 'A' road, so this is the approach taken.
- Car park management can be controlled by condition.
- Delivery management can also be controlled by condition.
- Reviews of both of the above being linked to any TP monitoring.

5.4.26 It is considered and accepted by the Highway Authority that these matters can be addressed by condition through the requirement for a Travel Plan for the site, including suitable signage. This will prevent HGVs from making a left turn out of the site onto Crosby Road, directing traffic to the south to the Link and onto East Road and ensuring that the loading bays are only approached from the north.

Conclusions

5.4.27 Subject to the formal response of the Highway Authority and subject to suitable conditions, it is concluded that the layout of the development is satisfactory in terms of vehicular and pedestrian access. The development is considered to have no detrimental impact on road safety or the operation of the highway network, subject to the delivery of the detailed highway and traffic light improvements in the vicinity of the

application site. The site is considered to benefit from good pedestrian access to the High Street and the complimentary uses found in the Town Centre, contributing to the sustainability of the site.

5.4.28 The Highway Authority has requested additional width to be provided on the East Road frontage in order to change the character of the space to the benefit of the character of the area. Whilst this would be an overall improvement to the area, it is not considered necessary to make the development acceptable and the applicant is not prepared to deliver this alteration.

5.4.29 It is hoped that the Highway Authority full response and proposed conditions will be reported within the Committee update.

4.5 Drainage and flooding

5.5.1 The application site is located in Flood zone 1. However, owing to the size and complexity of the development the applicant has submitted a full Flood Risk Assessment prepared by Alan Wood and Partners. Their report reaches the following conclusions:

- The site falls in Flood Zone 1 (low flood risk) and the proposals are considered to be 'Less Vulnerable' in terms of flood risk.
- The primary risk to the site is from overland surface water flooding due to the drainage system being exceeded during an extreme rainfall event.
- Mitigation measures are proposed which we consider will reduce the risk from this event down to an acceptable level.
- The primary focus for flood risk assessment is to protect life, and then consideration should be given to buildings, contents, operation and re-use.
- As the scheme is progressed the design should consider exceedance and routing of flows away from the buildings.
- This report has considered other potential sources of flooding to the site, including fluvial groundwater, existing sewers, water mains and other artificial sources.
- No works are proposed which would suggest that flooding will be made worse on adjacent land as a result of the development.
- Overall, this report demonstrates that the flood risk to the site is reasonable and acceptable providing any recommended mitigation measures detailed within Section 6 are incorporated into the design.

5.5.2 The applicant in their supporting statement confirms that the recommended measures have been incorporated into the design.

5.5.3 Currently the site is positively drained and served by a separate and combined set of below ground sewers. The site is predicted to discharge surface water to the public sewer at the following rates:

- 1 in 1 year flow rate = 124l/s
- 1 in 30 year flow rate = 151l/s
- 1 in 100 year plus 40% climate change flow rate = 170l/s

5.5.4 The proposed discharge rate will be reduced by 30% as a minimum, and therefore the peak surface water discharge rate for the 1 in 100 year, plus 40% climate change, event will be around 117l/s. Excess flows from the proposed site will be stored, up to and including the 1 in 100 year storm event, plus climate change allowance of 40%. The result being that there will be significant improvements in terms of the local drainage strategy as a result of the proposed development.

- 5.5.5 The Lead Local Flood Authority has raised no objections, subject to conditions. Yorkshire Water raised concerns about the discharge rates to the public sewer and has recommended a condition in order to ensure that an acceptable discharge rate can be achieved. The developer has agreed to this condition and that they can meet Yorkshire Water's requirements.

Conclusions

- 5.5.6 Given the existing site conditions and drainage, the proposed development layout, uses and drainage strategy proposed, the development is considered to provide a net benefit in terms of the drainage of the site. It is considered that the proposed development will have no significant detrimental impact on flooding in the vicinity of the site. The principles of the proposed drainage are considered to be acceptable.

5.6 Heritage Matters

- 5.6.1 This report is concerned with the impacts on the significance of the listed buildings in terms of the proposed use, external alterations and additions (that require planning permission), the impact on the setting of the listed buildings and the contribution that setting makes to significance, the setting of the Northallerton Conservation Area and the setting of nearby non-designated heritage assets. Other impacts on the significance of the Listed Buildings, in terms of internal alterations are more properly dealt with through the Listed Building Consent application that appears elsewhere on this agenda.
- 5.6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Northallerton Conservation Area.
- 5.6.4 The National Planning Policy Framework paragraph 193, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other consideration is given greater weight in the planning system. This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance. It is therefore important to ensure that harm to heritage significance is avoided where possible and where it is justified it has been reduced and mitigated.
- 5.6.5 Paragraph 195 of the NPPF states that where substantial harm would be caused to a heritage asset, or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

- 5.6.6 Paragraph 196 of the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Given that this is a large scheme that will result in public benefits the public benefits should not be weighed against the impact on the significance of the listed buildings if the public benefits could still be achieved without the harmful alterations.
- 5.6.7 Paragraph 194 of the NPPF states that ‘any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification’.
- 5.6.8 Any degree of harm to the significance of a heritage asset or the setting of the asset where that setting contributes to significance, must be given great weight and importance in decision making.

Listed Buildings details and description

- 5.6.9 The site includes five Grade II listed buildings; the Female Wing of 1818 to the design of John Carr of York on the east side of the quadrangle; the Governor’s House of the late 1820’s by architect George Atkinson forms the south side of the Quadrangle; the Link Building, to the south of the Female Wing and the Staff Tenement range that forms the west side of the quadrangle. The listing also includes the Female Cell Block, to the east of the site behind the quadrangle, dated 1852.
- 5.6.10 As set out in Historic England’s consultation response the heritage significance of the site lies in the legibility of the buildings as a group of functionally related structures that share a palette of traditional materials, design and detailing. The Quadrangular plan defined by the listed buildings should remain a prominent feature owing to its relationship with the early date of the design and planned layout of the site.
- 5.6.11 It is understood that a variety of facets contribute to the significance of the heritage assets including; the history and evolution of the site in terms of use, the demonstration of prison evolution evident in the direct comparison of the 1818 and 1852 female cell blocks, the location of the site within the centre of the town; the importance of the site in terms of the history and development of Northallerton as a County Town both physically and socially including reference to people who worked or were confined there; the connection to renowned York architect John Carr; the materials, design and detailing of the building in particular the colour grain and bond of the brick walls and the fenestration (or lack of) in the buildings; and the strength of the former boundary of the site. This is not considered an exhaustive list, but gives a flavour of the elements that contribute to the significance of these buildings as heritage assets.
- 5.6.12 It is clear from the submission, from Historic England’s consultation response and from the Council’s adviser on Heritage matters, that the proposal will cause harm to the significance of designated heritage assets, **and this harm must be given great weight and importance in decision making.**
- 5.6.13 The Council, through the initial phase of tendering for the preferred contractor, examined a number of different proposals for the re-development of the site. Throughout, a degree of alteration to and impact on the significance of the heritage assets was accepted.
- 5.6.14 The applicant’s submission sets out the testing of alternative options for the site. These options included the use of the 1818 Wing as a museum, housing or retail; the

Female Wing for retail / leisure, apartment or voluntary sector workspace and; the Governor's House for apartments, museum, medical use or voluntary sector workspace.

- 5.6.15 The reasons cited for setting aside other options, in favour of the proposed development include; a lack of financial viability and the level of alteration required to the buildings. The supporting statement concludes that *"the final land uses instead being dictated by market conditions and the requirements of operators at the point development comes forward."*
- 5.6.16 The proposed development is considered to represent a positive response to the constraints of the site, which was plainly designed to retain people in a constrained manner. The scheme, subject to detailed conditions, will allow the buildings to be brought back into viable long term use. It will also allow for the interpretation of the significance of the buildings and the prison site as a whole, sufficiently preserving the critical elements that contribute to the significance of the heritage assets. The creation of workspaces in the 1852 Cell Block enables the original layout to be seen and understood by retaining vestiges of cell walls where these are combined to form larger rooms.

Conservation Area Setting

- 5.6.17 The Conservation Area boundary runs east from High Street through to East Road opposite the existing prison site entrance to the north of the Tesco delivery access. The boundary then runs north along East Road to the south side of Zetland Street, excluding the 1960's building on the north side of Zetland Street.
- 5.6.18 The Conservation Area boundary focuses on the pre-1900 developed area, comprising the High Street and associated property boundaries, the area around the church and South Parade. The Conservation Area occupies the centre of Northallerton concentrating on the historic core around the High Street.
- 5.6.19 The dominant style of architecture within the Conservation Area varies from street to street. The High Street is dominated by mid to late Georgian buildings. There are Victorian highlights such as the bank buildings and the Town Hall but the best examples of late 19th Century design can be found on South Parade and Thirsk Road.
- 5.6.20 Brick is the dominant building material in Northallerton which is found in a wide range of forms reflecting its long use and varied sources. The second major walling material in Northallerton is render, which may be a facing for poorer quality random rubble stonework. However, in some cases, and particularly during the 20th Century, render achieved acceptance as a finish in its own right. Pantiles are widely used in Northallerton and were the dominant roofing material for many years. There are also two main types of slate used on buildings in the town. Welsh blue/grey slates are the dominant alternative to pantiles along with Westmorland green slate laid to diminished courses.
- 5.6.21 The majority of opportunities for development lie in the rear areas of the properties lining the High Street. These back land service areas tend to be poorly maintained and some lack any defined purpose.
- 5.6.22 It is clear that the main significance of the Conservation Area comes about through the layout of the town, centred around the Church and historic core of the town, along with the aesthetic appeal of architectural design and materials used. The area of the Conservation Area close to the application site is generally of lesser importance in terms of the significance of the asset.

- 5.6.23 The proposed development sits immediately adjacent to approximately 150m length of the Conservation Area Boundary.
- 5.6.24 From South to North the Conservation Area boundary is dominated by the Tesco store and the 1960s flat roofed, Age Concern building on the corner of Zetland Street. There are a number of Victorian houses between these two buildings which are not listed but are considered to be of sufficient merit to constitute non-designated heritage assets.
- 5.6.25 The proposed development will effectively re-connect the site with the Town Centre. The new development along the site boundary is considered to be of high quality and will alter the character of the space along East Road creating more of a sense of place rather than a relief road for the town centre, bounded by the prison wall.
- 5.6.26 The new development will enable the former prison site to be effectively assimilated into the town centre. The scale and form of development is considered to be generally in character with the wider conservation area. Owing to the character of the conservation area in the immediate vicinity of the site and the scale, form and design detailing of the proposed development it is considered that the proposals have no detrimental impact on the significance of the Northallerton Conservation Area as a heritage asset. The proposed development is considered to positively contribute to the setting of the Conservation Area.
- 5.6.27 The areas that potentially cause harm to the heritage assets are;
- the use of the buildings (owing to the particular requirements of a use in terms of layout and space)
 - the physical alterations to the listed buildings
 - the arrangements of the external spaces
 - the relationship of new buildings to the heritage asset and the impact that new buildings have on the setting of the listed buildings

Physical alterations and Extensions

- 5.6.28 The main proposed alterations to the Listed Buildings are set out below. The internal alterations and extensions to the listed buildings are further dealt with under the Listed Building Consent application elsewhere on this agenda.

The Staff Tenement Range

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- Opening up of blocked doorways.
- Internal alterations.
- Reinstatement of central stair.
- Future introduction of signage

The Governor's House

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows
- Replacement of windows south elevation.
- Replacement of metal roof with slate.
- Glazed opening to south elevation.
- Removal of fire screen and refurbishment of stairs
- Alteration to internal ground-floor walls.
- Alteration to three internal first-floor walls.

The 1818 Female Wing

- Repair and restoration of building.
- Repair and refurbishment of all existing historic windows
- Replace west elevation FF door with lunette window using reclaimed window if possible.
- Reinstate door to GF west elevation.
- Alterations to two lunette windows to form doorway beneath retained bars requiring loss of stone cills to west and east elevations.
- Replacement of metal roof with slate
- Glass extension to west elevation.
- Glass extension to east elevation.
- Stair extension to north elevation.
- Close boarded screen to bin compound.
- Alterations/widening of cell doors (GF & FF).
- Retention of isolation cell.
- Removal of three internal walls to form conference space (FF).

The Link Building

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- New glazed entrance doors and glazed opening south elevation.
- Reconfiguration of internal walls.
- Expose jack arch ceilings.

1852 Female Wing

- Repair and restoration of building.
- Removal of 8 walls between cells (GF).
- Alterations/widening of cell doors.
- Removal of modern stair. New stair to south east corner.
- Repair and refurbishment of existing historic windows.
- Removal of bars and replacement of windows.
- Insertion of roof-lights.
- Glazed opening to east gable.
- Glazed opening to side return of south gable through negotiation with HE.

Setting of the Listed Buildings

- 5.6.29 Given the historical importance of this site within Northallerton, it could be argued that the setting includes a wide area of the built up part of Northallerton and in this case would certainly include, not only the immediate site but the wider site to the south and the wider hinterland of East Road, Crosby Road and The Link.
- 5.6.30 Given the large scale former prison buildings that occupied the southern portion of the site, the scale, form and detailing of the proposed new buildings extending down the East Road boundary and including retail Unit 2 are considered to have a neutral impact on the setting of the listed buildings and are therefore considered to be acceptable in these terms.
- 5.6.31 Two main areas of concern are raised in terms of setting. Firstly the cinema and secondly the large glazed extensions to the 1818 Wing, although the new build elements of the scheme to the east and south of the listed buildings must also be considered.
- 5.6.32 The scale and form of the cinema will have a harmful impact on the setting of the heritage assets, owing to the scale and form of the building. The principle of a new

building on this part of the site is welcomed as it would re-establish the built form of the four sided quadrangle (to an extent) that has been removed. However, the cinema will dominate the Civic Square to the detriment of the setting of the listed buildings.

- 5.6.33 It is accepted that there is a necessity to add value to this part of the site from a viability perspective. The question is whether the proposed cinema is the optimum use of the site in terms of the balance between the impact on the heritage assets, viability and public benefit.
- 5.6.34 Through the master-planning and tendering processes undertaken by the Council a number of alternative uses were examined for example a multi-storey block containing flats. Whilst plainly there are a number of uses that would be viable on this part of the site, all would require a critical mass of floor-space to be created and as such would be likely to have a similar impact in terms of scale and massing.
- 5.6.35 The applicant has modified the form of the cinema, following discussions with the preferred operator and in the light of concerns raised by officers about the height and massing of the building in relation to the setting of the listed buildings. This has reduced the impact of the building on the character of the Civic Square and the setting of the heritage assets but it is considered that there remains an impact on the setting of the heritage assets that constitutes less than substantial harm.
- 5.6.36 As far as possible, harmful alterations should be minimised and the original fabric and layout retained or re-established where these facets contribute positively to the significance of the heritage asset.
- 5.6.37 The glazed extensions to the 1818 Wing are a large addition which again are considered to constitute less than substantial harm to the significance of the listed buildings through the erosion of both the symmetry of the site and views of the original 1818 facades. This will undermine the Group Value of buildings and their setting thus undermining their significance as heritage assets. The applicant has set out the justification in terms of the need for the additional floor-space and the interrelationship between the internal and external spaces. Due to the former use as a prison there are a lack of open spaces within the building required for the proposed restaurant use. The glazed extension allows for this to be achieved whilst maintaining an active frontage within the Civic Space. Careful detailing of these extensions in terms of wall treatments and floor surfacing will mitigate some of the harm caused.
- 5.6.38 A large number of the internal (but to a lesser extent external) alterations are required to ensure that the principles of the Building Regulations can be met. Whilst relaxations of the Building Regulations can be achieved for a listed building, it is important that the general requirements of safety and good access can be met. It is considered that the applicant has achieved the right balance in terms of necessary alteration to meet the requirements of the Building Regulations whilst protecting the character and significance of the heritage asset.
- 5.6.39 Paragraph 195 of the NPPF states that where substantial harm would be caused to a heritage asset, or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- The harm or loss is outweighed by the benefit of bringing the site back into use.

5.6.40 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, the harm caused to significance must be given great weight and importance in decision making.

Public Benefits

5.6.41 The Council in purchasing the site, recognised the importance of the site to the Town and sought to realise a development that optimised the benefits for the viability and vitality of the Town Centre and to realise the maximum public benefit from the site, within the technical and financial realities of a development of this sort.

5.6.42 The main public benefits that are considered material and to weigh in the balance of decision making in this case are:

- Bringing the Listed Buildings back into viable long term use
- Opportunity to enhance and better reveal the significance of parts of the heritage assets
- Allow for sympathetic repair and restoration of the heritage assets
- Enable the site to be largely brought into the public realm
- Improve the sense of place along East Road, Zetland Street and the new civic space, re-incorporating this area into the Town Centre
- Provide a new high quality leisure and retail offer immediately adjacent the town centre which compliments and strengthens the Town Centre offer
- Establish a centre for digital enterprise in the form of C4Di
- Improve connectivity across this part of Northallerton
- Allow for the better interpretation of this significant historical site within Northallerton
- Contribution to Northallerton as a vibrant market town

5.6.43 It has been established that the proposed development will have a number of harmful impacts on heritage assets which are considered to amount to less than substantial harm. The applicant, in developing a viable scheme for the re-use of the buildings has worked extensively with Historic England and the Council in order to reduce the level of alteration and harm to the significance of the heritage assets as far as is possible, whilst still enabling the re-use of the buildings. The justification for the proposed alterations and additions to the listed buildings, has been set out in the applicants supporting statement and to a large extent are accepted by the Council and its advisers.

5.6.44 However, it is also clear from the requirements of the NPPF that where significant harm is caused to a heritage asset, permission should only be granted for the development where it can be demonstrated that the development has significant public benefits. If it is considered that the public benefits could have been realised without the level of harm caused then the public benefits should not be considered in the planning balance. In this instance the re-development of the site, including the proposed mix of uses, the re-use of the listed buildings and public access that is thus facilitated to the site is considered to constitute significant public benefit in the terms of the NPPF. It is considered that any viable scheme would be likely to result in less than substantial harm to the heritage assets and as such the residual harm caused by the proposals is considered to be acceptable.

Conclusions

5.6.45 In assessing the impacts of the development and weighing these in the planning balance, great weight and importance must be given to the harm to the heritage assets. It is concluded that the alterations to the listed buildings that cause harm to the significance of the heritage assets in terms of alteration, extension and setting have been adequately justified and mitigated. It is considered that where less than substantial harm is caused to the significance of the heritage assets that this is reasonably outweighed by the public benefits of the proposals.

5.7 General Design Matters

5.7.1 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."

5.7.2 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.

5.7.3 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 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."

5.7.4 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.

5.7.5 The applicant has submitted a Statement of Community Involvement with the application, this sets out the consultations that the applicant has undertaken and how the responses from these consultations have informed the design of the proposed development.

5.7.6 The applicant contracted "Social Communications" to assist in the pre-application public consultation due to their experience in delivering community and stakeholder engagement.

5.7.7 The Statement sets out the measures undertaken as summarised below:

- Fourteen closest properties on Crosby Road and East Road were written to on 1 May 2018
- Four residents responded to the letter and agreed to meet. These meetings took place through May 2018.
- Key stakeholders were written to including:
 - Hambleton Council Cabinet Members
 - Hambleton Council ward and neighbouring ward Members
 - North Yorkshire County Council

- Local MP, Rishi Sunak
 - Northallerton Town Councillors
 - Northallerton Business Improvement District (BID)
- On Tuesday 12 June briefing of the plans to elected Northallerton Town Councillors
 - A two day public consultation was held to display the plans - on Friday 15th June in the Upper Hall of Northallerton Town Hall from 3-8pm, and on Saturday 16th June in All Saints Church in Northallerton from 10am-4pm.
 - Consultation was publicised through a press release which gained coverage in the local press along with a flyer which was distributed to 5,000 properties around Northallerton.
 - A dedicated Twitter account (@The_Treadmills) was launched, to promote the consultation process, whilst the consultation was also advertised on Treadmills' website (www.thetreadmills.co.uk).
 - Immediately following the consultation events, four roller banners which outlined the plans were erected in Hambleton Civic Centre, Northallerton.
 - Electronic copies of the consultation leaflet and banners were made available on the Treadmills website. An electronic feedback form was also enabled on the website, to allow for submission of comments (<https://thetreadmills.co.uk/feedback/>)
 - Following the exhibition, consultation brochures with freepost feedback cards were distributed to 2,000 properties around the site.
 - 111 feedback cards were returned. A further 51 items of feedback have been received
 - Feedback was summarised as:
 - 66% supported the proposals
 - 16% did not support
 - Remainder were either unsure or expressed no preference.

5.7.8 Reasons cited for support for the development:

- Reusing the listed buildings on site
- The benefits of a new cinema
- Excitement over new shops and leisure units
- Positivity around C4DI
- Connectivity benefits the proposals will bring to the town centre
- Economic benefits the proposals will bring – particularly in terms of retaining shoppers in Northallerton
- The creation of new jobs

5.7.9 Reasons cited for objections to the proposals:

- The impact of the Cinema on the Forum
- Highways access and servicing arrangements
- Impact on the High Street
- Impact on Crosby Road properties
- Concern over lack of toilet facilities in Northallerton
- The 'Treadmills' name

5.7.10 The Statement of Community Involvement sets out how the scheme has either been developed or additional information provided in the submission which addresses the detrimental issues raised in the responses. These responses are set out elsewhere in this report under specific topic headings.

5.7.11 It is considered that the processes and events carried out by the applicant, allow officers to conclude that the community engagement that has taken place meets the requirements of Hambleton's Statement of Community Involvement and those of the National Planning Policy Framework.

Design and Layout

5.7.12 Much of the layout has been dictated by the position of the listed buildings and the requirements of the principle retailer, in terms of the scale of building and parking requirements. The applicant has then sought to link the north and south elements of the site with the retail units along the East Road boundary, creating more of a sense of enclosure within the southern portion of the site.

5.7.13 The design of the retail units to East Road are somewhat reminiscent of the materials and detailing of the prison buildings and provide a visual link to them. The proposed large retail unit to the south east corner of the site departs from this form, returning to a more standardised retail format, but utilising materials to enable some degree of visual connection to the rest of the site. Careful use of external surfacing materials will create greater continuity between built elements and create a more cohesive sense of place.

5.7.14 Through discussion, the applicant has adjusted the scheme to ensure that the majority of deliveries are dealt with within the site and sufficient parking is provided. Improved pedestrian connectivity has been enabled through a footway across the car park linking east to west, which then provides pedestrian access to the north of the site and the proposed civic space.

5.7.15 The civic space is formed by the listed buildings and the proposed cinema. It is considered that, subject to the quality of materials used in this area, the development will create a public point of focus within the development which also results in a visual link via Zetland Street to the High Street and to the Crosby Road car park.

5.7.16 Soft landscaping opportunities are relatively limited. However, it is considered that subject to details to be provided by condition, the proposed development will result in a high quality environment in accordance with the requirements of DP32.

5.7.17 Historically, the boundary of the site has been a dominant feature of the site and as such the character of the streets in the locality. The demolition of the boundary opened up views into and across the site, much of which will be maintained by the proposed development

Some of the visual strength of the former boundary is picked up by the built form to the East Road and Crosby Road frontages. It is perhaps a missed opportunity that further reference to the boundary is not achieved through the rest of the development, which could have contributed to a greater sense of place.

5.7.18 Materials used throughout the development allow delineation between the new and old elements of the scheme, whilst instilling a degree of continuity which will contribute to the sense of place created by the proposals.

Conclusion

5.7.19 It is concluded that in general design terms, the proposals meet the requirements of LDF policy and will create a suitably high quality development which responds to the overall character of the area.

5.8 Ecology

- 5.8.1 Given the nature of the existing site, the location of the site in the town centre with no significant green links, the main likely ecological risk is considered to be bats and their habitat.
- 5.8.2 The applicant has carried out a bat survey to assess for the presence of and suitability of habitat for bats.
- 5.8.3 Bats are afforded full protection under The Wildlife and Countryside Act (1981), and the Conservation of Habitats and Species Regulations 2010. Under these Acts it is an offence to recklessly kill, injure or disturb bats. It is also an offence to destroy or obstruct a roost even if bats are not in occupancy at the time of the action.
- 5.8.4 Local Development Framework policy DP31 sets out the position in relation to the protection of bio-diversity / nature conservation and states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat.
- 5.8.5 In carrying out the assessment the North and East Yorkshire Ecological Data Centre were asked to provide all records from within a 1km radius of the site. A single common pipistrelle record has been returned, this is located about 800m south west, where four individuals were recorded in 2014.
- 5.8.6 The report found that the buildings on site provide a small number of features of limited value to roosting bats such as small gaps behind barge boards and in exposed cavity walls. The site is assessed within their report as providing *Low Bat Roost Suitability*. A single evening emergence survey was carried out to assess the status of roosting bats on site. Two bats were noted foraging on site but no evidence was found of roosting or emerging bats. The report concludes that the proposed redevelopment of these buildings is unlikely to impact bats or their roosts.
- 5.8.7 The report also concludes that the proposals for the renovation could incorporate areas that would be attractive to roosting bats, such as adapted roof tiles and ridges which can be cheaply and easily incorporated into buildings at the time of renovation.
- 5.8.8 The proposed development is considered to have no detrimental impact on protected species or their habitats.

5.9 Other Issues

- 5.9.1 Detailed discussions have taken place with anti-terrorism advisers about the layout, design and detailing of the scheme. With particular reference to access to the site and the protection of people congregating within the civic square. The applicant has taken this advice on board and incorporated appropriate measures into the development, given the nature of the risks, in order to protect public safety. These changes are reflected in the latest layout drawing for the site.

6.0 PLANNING BALANCE

- 6.1 In assessing this application it is clear that there are a number of residual harmful impacts that must be weighed against the benefits of the scheme. The harmful impacts on the significance of the heritage assets must be given great weight and importance in the planning balance. The pros and cons of the development can be broken down into the broad areas of sustainability; Economic, Environmental and Social impacts.

Economic

- 6.2 The proposed development will provide a wider range of retail opportunity within the centre of Northallerton, without significant detrimental impact on the vitality and viability of the town centre, along with the benefit of job creation that this will bring. The proposals will result in a range of employment including the innovation of the C4Di Digital Hub proposal. The synergy with town centre uses will contribute positively to the vibrancy and vitality of the town as a whole.
- 6.3 The development will result in new retail and leisure uses within the town which will increase the critical mass of retail and leisure offer and improve the range, diversity and amount of leisure activities in the town, improving Northallerton as a destination.
- 6.4 In economic terms the development is considered to result in generally positive impacts for Northallerton, in particular in the long term, resulting in an overall increase in spend in the town and contributing positively to the vitality and vibrancy of the town.
- 6.5 These positive benefits need to be weighed against the potential impact on local operators, noting that competition is not a material consideration.

Environmental

- 6.6 It is clear that the re-development of the site will create a high quality environment in this part of the town, through the re-use of the existing buildings along with proposed extensions and new build elements.
- 6.7 Issues around drainage of the site are considered to be effectively dealt with by the proposals.
- 6.8 The additional late night use, although significantly mitigating the level of potential harm, will alter the character of this area, which borders residential properties, particularly on Crosby Road. This change in character and use is likely to result in a degree of noise and anti-social behaviour which will have a detrimental impact on the amenity of the occupiers of the neighbouring properties at certain times of the day.
- 6.9 Additional vehicle movements in the vicinity of the application site, in particular on Crosby Road will contribute to a general increase in noise and disturbance.
- 6.10 The application makes adequate provision for parking either on-site or locally through the use of Crosby Road car park.

Social

- 6.11 The application site is located immediately adjacent to the town centre within 150m of the centre of the High Street and as such will result in linked trips to all town centre functions. The site is well connected to the town centre for pedestrians. The development has been designed with accessibility for all in mind.
- 6.12 The development will allow the re-use of the listed buildings and allow for better interpretation of and access to the listed buildings. The long term use of the buildings will be secured. The development will effectively allow the former prison site to be re-assimilated into the town, creating new high quality public spaces.
- 6.13 The proposals will result in a less than significant, harmful impact to the listed buildings, resulting both from the proposed alterations but also through the scale and form of the proposed cinema. Significant weight must be given to this harm in decision making.

- 6.14 There is considered to remain potential for detrimental impact on the viability of the Forum Northallerton, with its potential resultant detrimental impact on the social offer provided by the Forum. Separately the Council will need to consider how it can support the sustainability of this important community asset.
- 6.15 It is concluded that the proposed development represents the optimum viable use of the site, that the harmful alterations to the listed buildings have been mitigated, justified and otherwise the harm caused to these assets given suitable weight in the assessment of the scheme when judged against the public benefits of the development.
- 6.16 The proposed development is not considered to be harmful to the vitality or viability of the town centre.

7.0 RECOMMENDATION

- 7.1 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) below received by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.

Proposed Site Plan. Drawing Number 100 Revision AC
 Unit 2 Elevations. Drawing Number 102 Revision D
 Unit 1 and 3 Elevations. Drawing Number 103 Revision H
 Unit 1 and 3 Plans. Drawing Number 104 Revision E
 Unit 2 GA Plan. Drawing Number 109
 Red Line Plan. Drawing Number 111 Revision D
 Movement and Access Plan. Drawing Number 115 Revision C
 Boundary Wall Treatment Plan. Drawing Number 116 Revision C
 Proposed Elevations. Drawing Number 120 Revision K
 Proposed Elevations. Drawing Number 121 Revision J
 Proposed Elevations. Drawing Number 122 Revision L
 Proposed Elevations. Drawing Number 123 Revision E
 Block B Proposed Elevations. Drawing Number 124 Revision H
 Proposed Site Sections - Sheet 1. Drawing Number 125 Revision D
 Proposed Site Sections - Sheet 2. Drawing Number 126 Revision D
 Area Schedule. Drawing Number 100 Revision Z
 Block A - Proposed GA Plans. Drawing Number 140 Revision F
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 141 Revision Q
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 142 Revision P
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 143 Revision M
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 144 Revision L
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 145 Revision F
 Proposed GA Plans. Drawing Number 146 Revision F
 Cinema Block Ground Floor. Drawing Number 150 Revision J
 Cinema Block First Floor Plan. Drawing Number 151 Revision L
 Cinema Block Upper Floor Plan. Drawing Number 152 Revision J
 Cinema Sections Sheet 1. Drawing Number 153 Revision D
 Cinema Sections Sheet 2. Drawing Number 154 Revision D
 Cinema Block Elevations Sheet 1. Drawing Number 156 Revision E
 Cinema Block Elevations Sheet 2. Drawing Number 157 Revision E
 Block E Sections. Drawing Number 160 Revision C

Block C Sections. Drawing Number 161 Revision A
 Proposed Section through 1818 Wing. Drawing Number 162
 1818 Wing Section B . Drawing Number 163
 1818 Wing Window Detail. Drawing Number 164
 1818 Wing Window Detail. Drawing Number 165
 Block C East Gable Detail. Drawing Number 166
 Block C South Elevation Window Detail. Drawing Number 167
 The Link Entrance Detail. Drawing Number 168
 Governor's House Detail Elevations. Drawing Number 169
 Block A Window Detail. Drawing Number 180
 Block A Window Detail. Drawing Number 181
 Listed Building Elevations. Drawing Number 182 Revision A
 Block C Ground Floor Alterations. Drawing Number 205 Revision A
 Block C First Floor Alterations. Drawing Number 206 Revision A
 Block C Second Floor Alterations. Drawing Number 207 Revision B
 Block D Ground Floor Alterations. Drawing Number 208 Revision A
 Overall Landscape Masterplan. Drawing Number L101 Revision C

3. No demolition or construction for any phase of the development shall take place until a Construction Phase Management Plan for that phase relating to the programme of demolition and construction works has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Phase Management Plan be adhered to throughout the construction period for the phase.

The plans shall include, but not be limited, to arrangements for the following in respect of each phase of the works:

- (i) Protection of carriageway and footway users at all times during demolition and construction
 - (ii) Erection and maintenance of hoardings, including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate
 - (iii) Protection of contractors working adjacent to the highway
 - (iv) Measures to manage the delivery of materials and plant to the site, including routing and timing of deliveries
 - (v) Loading and unloading of materials and plant
 - (vi) Storage of plant and materials used in constructing the development
 - (vii) Wheel washing facilities
 - (viii) Measures to control the emission of dust and dirt during construction
 - (ix) Storage of plant and materials used in constructing the development
 - (x) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (xi) The protection of trees
 - (xii) The parking of contractors' site operatives and visitor's vehicles; and
 - (xiii) A program for the works
4. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.
 5. No development other than site preparation and ground works 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 and off -site 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 3 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.

6. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - a) evidence of existing positive drainage to public sewer and the current points of connection; and
 - b) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
7. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
8. The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reed-beds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.
9. Prior to the commencement of above ground works on any individual new build element of the development hereby approved, full details, including samples as necessary, of all external materials shall be provided to and approved by the Local Planning Authority.
10. There shall be no demolition or construction undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The building shall be carefully taken down or dismantled and the materials contained in the schedule and stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.
11. 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.

12. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. 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.
13. 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.
14. Prior to development above ground level commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
15. The restaurant / café / bar uses within the development shall only be open between the hours of 8am and 11pm.

External seating areas associated with these uses shall only be available between 8am and 8pm and shall be completely removed outside these hours

There shall be no external seating on the land to the west of the 1818 Wing, between any new or existing building and Crosby Road.
For clarity, there are no open time restrictions placed on the office, cinema or retail uses within the development.
16. Deliveries to the development hereby approved shall be restricted to between 06.30am and 11.00pm.
17. Prior to the construction of the glazed extensions to the 1818 wing, full details of the proposed treatment of the external masonry faces which are to be enclosed by the glazed extensions shall be provided in writing to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details.
18. Prior to the construction of any extension to the 1818 wing, full structural details shall be submitted in writing to and approved by the Local Planning Authority, showing how the proposed extensions will be attached to the historic fabric of the building.
19. Prior to the installation of any new glazing in new fenestration, roof lights and for any window repairs full details of the window installation, materials and fixings shall be submitted in writing to and be approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details. All glazing solutions shall be designed to minimise reflectivity unless otherwise agreed with the Local Planning Authority.
20. Before the installation of any new vent grills, external pipework or ventilation systems, full details of the installation shall be submitted in writing to and approved by the Local Planning Authority. The installation shall then be carried out in full accordance with the approved details.
21. Prior to the re-roofing of the Governors House or re-roofing or repair to other existing buildings on site, details of the proposed roof slate shall be provided to and approved

by the Local Planning Authority the slate should be a good geological match for slate used locally with a sample to be provided as required. The proposed development shall then be completed in accordance with the approved details.

22. Prior to the occupation of the development hereby approved, a scheme for the provision of ecological enhancements shall be submitted in writing to and approved by the Local Planning Authority. The approved details shall then be implemented within 12 months of the occupation of the development.
23. Occupation of the cinema hereby approved, shall not take place, until the completion of the proposed physical alterations to the Listed Buildings and the public spaces associated with the development.
24. Any re-pointing or repair works to the listed buildings shall be carried out using a mortar to match the existing mortar in the building. This should be a lime based mortar with no cement added to the mix. The proposed mix is to be submitted in writing to and approved by the Local Planning Authority prior to the pointing work being carried out. Samples of the mortar mix and finish may be required in order to demonstrate an appropriate mix and pointing technique.
25. Prior to the occupation of any part of the development, full details of a scheme to provide CCTV coverage for the site shall be provided in writing to and approved by the Local Planning Authority. The agreed CCTV scheme shall be installed prior to occupation of any part of the development hereby approved.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies).
3. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .
4. To prevent pollution of the aquatic environment and protect the public sewer network and to comply with the requirements of Development Policies 6 and 31.
5. To ensure that no foul water discharges take place until proper provision has been made for their disposal and to comply with the requirement of Development Policy DP32.
6. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and the requirements of Development Policy DP6 and DP32.
7. In order to mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to comply with the requirements of Development Policy DP43.

8. To prevent pollution of the water environment from the development site and to comply with the requirements of Development Policy DP6.
9. In order that the character and appearance of the proposed development is acceptable and meets the requirements of Development Policy DP28 and DP32.
10. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton District Wide Local Plan Policy BD4.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
12. In order to provide for appropriate soft landscaping to soften the appearance of the development and to comply with the requirements of Development Policy DP32 and DP33.
13. 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.
14. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
15. In order to ensure the protection of residential amenity in the vicinity of the site and to comply with the requirements of Development Policy DP1.
16. In order to protect the amenity of the occupiers of nearby residential properties.
17. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
18. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
19. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
20. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
21. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
22. In order to ensure that the development results in net environmental enhancement in accordance with the NPPF and Development Policy DP28.
23. In order to ensure that the heritage benefits of the development are realised and to comply with the requirements of the NPPF.
24. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.
25. In order to protect the amenity of occupiers of the site and that of local residents, in accordance with Development Policy DP1.

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Parish:

Committee date: 15 November 2018

Ward:

Officer dealing: Mr P Jones

2a

18/01850/LBC

Listed building consent for internal and external alterations to former prison buildings.

At East Road Northallerton North Yorkshire DL6 1NP

For Central Northallerton Development Company

This application is referred to Planning Committee as the application site is owned by the Central Northallerton Development Company.

1.0 SITE, CONTEXT AND PROPOSAL

Site Description

- 1.1 The site comprises the site of the former H M Prison, Northallerton located on East Road and bounded by The Link and Crosby Road. The site extends to 1.46ha and comprises the former prison site along with a small parcel of land immediately to the north of the prison which was used as a public garden. The prison was closed in December 2013 and is now vacant and in part demolished.
- 1.2 The area forms the transition between the town centre to the west and the residential areas to the east and has been characterised by the tall walls of the prison boundary and east road which cuts through this part of the town.
- 1.3 The site was largely cleared by the Council in 2017 following substantial demolition work of the non-listed areas of the site, including the boundary wall.
- 1.4 The remaining five buildings have a statutory Grade II Listing comprising The Staff Tenement Range, the 1818 Female Wing, The Governor's House, Link Building and the 1852 Female Wing.

Proposed Development

- 1.5 The site was acquired by Hambleton District Council in 2015 given its strategic importance to the economic and community well-being of Northallerton. In 2017 the site was transferred to Central Northallerton Development Company. Wykeland Properties Limited were selected as the preferred development partner by HDC.
- 1.6 The development as a whole can be broken down into two main areas. To the north the listed buildings are proposed to be re-used and a new cinema building constructed to the north of them. To the south 3 new build retail units are proposed, including parking for the whole of the development.
- 1.7 This application is concerned with the physical alterations to the listed buildings only.
- 1.8 A variety of uses are proposed for the listed buildings as set out in the following schedule of accommodation (GIA Gross Internal Area);

Block A – Listed Building conversion to 2 retail units and 2 residential units

- Retail of 53sqm and 56sqm to ground floor

- Residential 32sqm (entrance)
- Residential Unit 1: 148sqm to 1st floor
- Residential Unit 2: 148sqm to 2nd floor

Block B – Listed Building conversion to 2 restaurant units.

- 350sqm over 2 floors

Block C – Listed Building conversion to office use over three floors.

- 211sqm to ground floor
- 212sqm to 1st floor
- 211sqm to 2nd floor

Block D – Listed Building conversion to restaurant and office use

- Ground floor restaurant including extensions
- 149sqm to 1st floor
- 19sqm circulation space at ground and first floors

Block E - Listed Building conversion to office use

- 302sqm office circulation space over 3 floors

1.9 The physical alterations to the buildings comprise:

The Staff Tenement Range

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- Opening up of blocked doorways.
- Internal alterations.
- Reinstatement of central stair.
- Future introduction of signage.

The Governor's House

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows
- Replacement of windows south elevation.
- Replacement of metal roof with slate.
- Glazed opening south elevation.
- Removal of fire screen and refurbishment of stairs
- Alteration to internal ground-floor walls.
- Alteration to three internal first-floor walls.

The 1818 Female Wing

- Repair and restoration of building.
- Repair and refurbishment of all existing historic windows
- Replace west elevation FF door with lunette window using reclaimed window if possible.
- Reinstate door to GF west elevation.

- Alterations to two lunette windows to form doorway beneath retained bars involving loss of stone cills to west and east elevations.
- Replacement of metal roof with slate
- Glass extension west elevation.
- Glass extension east elevation.
- Stair extension to north elevation.
- Close boarded screen to bin compound.
- Alterations/widening of cell doors (GF & FF).
- Retention of isolation cell.
- Removal of three internal walls to form conference space (FF).

The Link Building

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- New glazed entrance doors and glazed opening south elevation.
- Reconfiguration of internal walls.
- Expose jack arch ceilings.

1852 Female Wing

- Repair and restoration of building.
- Removal of 8 walls between cells (GF).
- Alterations/widening of cell doors.
- Removal of modern stair. New stair to south east corner.
- Repair and refurbishment of existing historic windows.
- Removal of bars and replacement of windows.
- Insertion of rooflights.
- Glazed opening to east gable.
- Glazed opening to side return of south gable.

1.10 The application has been accompanied by the following supporting documentation:

Archaeology Report, Design and Access statement, Heritage Statement and Structural Report.

1.11 Improvements have been secured as follows:

- Additional information and clarification on the Heritage Statement
- The application has been through a number of iterations through the pre-application phase in an attempt to address concerns raised by officers and Historic England, with whom the applicant also entered into formal pre-application discussions.
- Removal of the glazed extension to the west elevation of the Governor's House.
- Greater retention of internal doorways and doors and areas of masonry between cells.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been a number of Government related notifications and applications relating to the operation of the Prison site. The applications considered most relevant to the current proposals are:

2.2 74/0707/FUL 29.08.1974 Construction of Garden Building

- 2.3 05/00596/GOV 03.05.2005 Granted. Application for roof replacement
- 2.4 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition for the unlisted parts of former prison and boundary wall
- 2.5 17/02591/ADV 08.02.2018 Granted. Advertisement consent for a mesh banner fixed to existing boarding

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – Majority of Councillors raised no concerns about the proposals. However, one Councillor was concerned if the alterations are going to change the image of the listed building internally and externally dramatically then he rejects the idea.
- 4.2 Historic England – (Summarised) Historic England has raised a number of areas of concern with the proposed development in terms of the level of alteration and extension proposed, the justification and mitigation for these changes and whether the degree of public benefit to be derived, which would otherwise off-set the harm caused, could be derived from a scheme which had less impact on the significance of the Listed Buildings.

Based on these concerns Historic England make the following recommendation:

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 184, 193, 194, 196 and 200 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your Authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

- 4.3 NYCC Archaeology - The application includes a report on a major community archaeology excavation, carried out by the York Archaeological Trust. These extensive excavations have successfully recorded a number of significant features and this has greatly enhanced our understanding of the prison. I understand that the report for the archaeological work will be revised with the results of a more discrete

and very recent archaeological project that completes this recording. Given the extensive research and excavation that has already taken place I have no further archaeological recommendations to make.

- 4.4 Public comments – The application was advertised by way of site notices on Crosby Road, East Road and The Link on 17 September 2018. The application was also advertised in the Darlington and Stockton Times on 21 September 2018.

3 Objections have been received, these are summarised below:

- Concern over the principles of the uses proposed.
- Represents a butchering of the internal layout for financial gain.
- The buildings should be left as they are internally and externally.
- Historic nature of the site as a prison should be built upon.
- It should not be a satellite shopping centre.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the impact of the proposed alterations on the architectural and historic character, appearance and heritage significance of the listed buildings; (ii) the justification and mitigation for harmful impacts to the significance of the listed buildings; (iii) the public benefits of the proposed development

Introduction and Principles

- 5.2 This application is concerned only with the alterations and extensions proposed to the Listed Buildings and will focus on the impacts of the proposed development on the heritage significance of the Listed Buildings. Other impacts on heritage assets, including the wider setting of the Listed Buildings, the Conservation Area and non-designated heritage assets are dealt with within the FUL application (18/01849/FUL), elsewhere on this agenda.
- 5.3 In coming to a decision on this matter Members must understand the elements contributing to the significance of the listed buildings, understand the alterations proposed to the listed buildings, understand the impact that the alterations have on the elements that contribute to the significance of the listed buildings in the terms of the NPPF and the Planning Acts. Members must also understand the public benefits of the proposals, in order that Members can apply appropriate weight to the benefits of the proposals where harm to the significance of the listed buildings is established.
- 5.4 Significance is the concept that underpins current conservation philosophy. The significance of heritage assets is defined in the National Planning Policy Framework (NPPF) as;
- ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.*
- 5.5 The Heritage Statement submitted by the applicant goes through the process of identifying the heritage assets, analysing the elements that contribute to the significance of each building. The Statement then addresses the details of the proposed development and the proposed alterations to each structure and forms conclusions as to the impact of the alterations on the significance of the Listed Building. The Statement then sets out whether the impacts are harmful, in terms of

the NPPF and seeks to address that harm by justification for the alteration and through an understanding of the benefits of the scheme both in terms of significance but also in terms of the public benefit accruing from the proposed development, facilitated by the alteration.

- 5.6 It is important to note at this point that should Members consider that the same level of public benefit could be achieved through a scheme which had less impact on the significance of the heritage asset, then less weight can be given to the public benefit in offsetting the harm.

Policy

- 5.7 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 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 5.8 The National Planning Policy Framework paragraph 193, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other consideration is given greater weight in the planning system. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It is therefore important to ensure that harm to heritage significance is avoided where possible and where it is justified it should have been reduced and mitigated.
- 5.9 Paragraph 196 of the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Given that this is a large scheme that will result in public benefits the public benefits should not be weighed against the impact on the significance of the listed buildings if the public benefits could still be achieved without the harmful alterations.
- 5.10 Paragraph 194 of the NPPF states that 'any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification'.
- 5.11 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 Any harm caused to the significance of the heritage asset in terms of alteration or setting, must be given significant weight and importance in decision making.

Listed Buildings description and significance

- 5.13 The site includes five Grade II Listed Buildings; the Female Wing of 1818 to the design of John Carr of York on the east side of the quadrangle; the Governor's House of the late 1820's by architect George Atkinson forms the south side of the Quadrangle; the Link Building, to the south of the Female Wing and the Staff Tenement range that forms the west side of the quadrangle. The listing also includes the Female Cell Block, to the east of the site behind the quadrangle, of 1852.
- 5.14 As set out in Historic England's consultation response the heritage significance of the site lies in the legibility of the buildings as a group of functionally related structures that share a palette of traditional materials, design and detailing. The Quadrangular plan defined by the Listed Buildings should remain a prominent feature owing to its relationship with the early date of the design and layout of the site.
- 5.15 The legibility of the site as a prison, and in terms of the evolution of prison form and function needs to be understood and that intrinsic significance must be preserved. An essential element of that are the cellular forms, accesses and enclosure created by the buildings and that of the former boundary wall. Plainly, owing to the small size and form of the cellular spaces the building does not lend itself readily to alternative use without alteration, except perhaps to be preserved in its entirety as a museum. The setting and location of the site within the town is also intrinsic to the social value placed on the heritage asset.
- 5.16 It is understood that a variety of facets contribute to the significance of the heritage assets including the list of elements set out below;
- Evidential Value
 - Historical Illustrative Value
 - Historical Associative Value
 - Communal Value
 - Aesthetic Design Value
 - Aesthetic Fortuitous Value
 - Contribution of group value
 - Contribution of setting to significance of heritage assets
- 5.17 As such an understanding of the buildings in these terms is necessary, including the history and evolution of the site in terms of use, the evolution of prison design evidenced by the contrasting design of the female cell blocks, the location of the site within the centre of the town; the importance of the site in terms of the history and development of Northallerton as a County Town both physically and socially including reference to people who worked or were confined there; the connection to renown York architect John Carr; the materials, design and detailing of the building, in particular the colour grain and bond of the brick walls and the fenestration (or lack thereof) in the building; and the strength of the former boundary of the site. This is not considered an exhaustive list, but gives a flavour of the elements that contribute to the significance of these buildings as heritage assets.
- 5.18 It is clear from advice received from the Council's Conservation Adviser that the applicant's submission is adequate in terms of identifying the significance of the heritage assets and provides a comprehensive review on this basis.
- 5.19 In assessing the merits of the buildings, Members must consider whether the essential elements that contribute to the historic character of the buildings are sufficiently retained within the scheme.
- 5.20 The Heritage Statement submitted by the applicant identifies the elements that contribute to the significance of the heritage assets, the alterations proposed to the listed buildings and in their view, the impact (positive, neutral or negative) that the

proposed alterations have on the significance of the heritage assets. The Statement then goes on to justify the negative impacts of the proposals as being necessary or otherwise offset by public benefit.

- 5.21 As set out at the beginning of this report the application proposes a significant number of alterations to the buildings. Many of these alterations are considered to result in less than substantial harm which must therefore be fully justified, suitably mitigated or balanced against the public benefits of the development.
- 5.22 Paragraph 195 of the NPPF states that where substantial harm would be caused to a heritage asset, or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.23 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.24 The areas that potentially cause harm to the heritage assets in this case are;
- the use of the buildings (owing to the particular requirements of a use)
 - the internal and external physical alterations to the Listed Buildings
 - the arrangements of the external spaces
 - the relationship of new buildings to the heritage assets and the impact that new buildings and alterations have on the setting of the listed buildings
- 5.25 As far as possible, harmful alterations should be minimised and the original fabric and layout retained or re-established where it contributes positively to the significance of the heritage asset.
- 5.26 The glazed extensions to the 1818 Wing are a large addition, which are considered to have a less than substantial harmful impact on the significance of the listed buildings through the erosion of the simple symmetry and architectural form the Listed Building and also in terms of their impact on the setting of the group of listed buildings. The applicant has set out the justification in terms of the need for the additional floor-space, the inter-relationship between the internal and external spaces and the need to introduce dynamism to the quadrangle. Due to the former use as a prison there is a lack of open space within the building which is required for the restaurant use. The glazed extension allows for this to be achieved whilst reinforcing activity within the Civic Space and enabling the building as a whole to be visible through the glazing. Careful detailing of these extensions in terms of wall treatments and floor surfacing will mitigate some of the harm caused.
- 5.27 A large number of the internal (but to a lesser extent external) alterations are to ensure that the principles of the Building Regulations can be met. Whilst relaxations of the Building Regulations can be achieved for a listed building, it is important that the general requirements of safety and good access can be met. It is considered that

the applicant has achieved the right balance in terms of necessary alteration to meet the requirements of the Building Regulations whilst protecting the character and significance of the heritage asset.

- 5.28 An area of concern has always been the loss of much of the cellular character of the building. Whilst it is accepted that the small prison cells would not be appropriate in size for use for anything other than a prison or a prison museum, the cellular form is important to the significance of the heritage asset. The applicant has worked to limit the alterations to the small door openings, retaining their original width where possible, but creating wider door openings into each space to facilitate wheel-chair access throughout the building. Amendments have been achieved through the course of the application to ensure that as much of the internal cellular character is retained as possible. Vestiges of cell walls have been retained where individual cells have been combined to create larger rooms, these assist with the retention of the cellular character.

Public Benefit

- 5.29 The Council, in purchasing the site, recognised the importance of the site and sought to realise a development that optimised the benefits for the viability and vitality of Northallerton and to realise the maximum economic and community benefit from the site, within the technical and financial realities of a development of this sort where the protection of the significance of the heritage assets is paramount.

- 5.30 The main public benefits that are considered material and to weigh in the balance of decision making in this case are:

- Bringing the Listed Buildings back into viable long term use
- Enabling public access to the buildings and wider site
- Opportunity to enhance and better reveal the heritage assets
- Allow for sympathetic repair and restoration of the heritage assets
- Enable the site to be largely brought into the public realm
- Improve the sense of place along East Road, Zetland Street and the new civic space, re-incorporating this area into the Town Centre
- Provide a new high quality leisure and retail offer immediately adjacent to the town centre within a short distance of the centre of the town
- Establish a centre for digital enterprise in the form of C4Di
- Improve connectivity across this part of Northallerton
- Allow for the better interpretation of this significant historical site within Northallerton
- Contribution to Northallerton as a vibrant market town

- 5.31 It has been established that the proposed development will have a number of harmful impacts on heritage assets which are considered to amount to less than substantial harm. The applicant, in developing a viable scheme for the re-use of the buildings has worked extensively with Historic England and the Council in order to reduce the level of alteration and harm to the significance of the heritage assets as far as is possible, whilst still enabling the re-use of the buildings.

- 5.32 The justification for the proposed alterations and additions to the listed buildings, has been set out in the applicant's supporting statement and to a large extent is accepted by the Council and its advisers, although areas of concern remain and can only be balanced against the public benefit of the scheme.

- 5.33 It is clear from the requirements of the NPPF and worth reiteration, that where harm will be caused to the significance of a heritage asset, permission should only be granted for the development where it can be demonstrated that the development has

significant public benefits. If it is considered that the public benefits could have been realised without the level of harm caused then the public benefits should not be considered in the planning balance.

- 5.34 In this instance, the re-development of the site, including the proposed mix of uses, the re-use of the Listed Buildings and public access that is thus facilitated within the site is considered to constitute significant public benefit in the terms of the NPPF. It is considered that any viable scheme would be likely to result in less than substantial harm to the heritage assets and as such the residual harm caused by the proposals is considered to be acceptable.

Conclusions

- 5.35 As stated previously, in coming to a decision on this application, significant weight and importance must be placed on any harm caused to the significance of the heritage asset.
- 5.36 It is concluded that the alterations to the listed buildings that cause harm to the significance of those assets in terms of alteration, extension and setting have been adequately justified and mitigated. It is considered that where less than substantial harm will be caused to the significance of the heritage assets this is outweighed by the significant public benefits of the proposals.

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) set out below received by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.
 - Proposed Site Plan. Drawing Number 100 Revision AC
 - Red Line Plan. Drawing Number 111 Revision D
 - Proposed Elevations. Drawing Number 120 Revision K
 - Proposed Elevations. Drawing Number 121 Revision J
 - Proposed Elevations. Drawing Number 122 Revision L
 - Proposed Elevations. Drawing Number 123 Revision E
 - Block B Proposed Elevations. Drawing Number 124 Revision H
 - Proposed Site Sections - Sheet 1. Drawing Number 125 Revision D
 - Proposed Site Sections - Sheet 2. Drawing Number 126 Revision D
 - Block A Proposed GA Plans. Drawing Number 140 Revision F
 - Block B/C/D/E Proposed Ground Floor. Drawing Number 141 Revision Q
 - Block B/C/D/E Proposed First Floor. Drawing Number 142 Revision P
 - Block B/C/D/E Proposed Second Floor. Drawing Number 143 Revision M
 - Block B/C/D/E Proposed Third / Attic Floor. Drawing Number 144 Revision L
 - Block B/C/D/E Proposed Roof Plan. Drawing Number 145 Revision F
 - Proposed GA Plans. Drawing Number 146 Revision F
 - Block E Sections. Drawing Number 160 Revision C
 - Block C Sections. Drawing Number 161 Revision A
 - Proposed Section through 1818 Wing. Drawing Number 162
 - 1818 Wing Section B. Drawing Number 163
 - 1818 Wing Window Detail . Drawing Number 164
 - 1818 Wing Window Detail. Drawing Number 165
 - Block C East Gable Detail. Drawing Number 166

Block C South Elevation Window Detail. Drawing Number 167
 The Link Entrance Detail. Drawing Number 168
 Governor's House Detail Elevations. Drawing Number 169
 Existing Block B/C/D/E - Ground. Drawing Number 170 Revision A
 Existing Block B/C/D/E - First. Drawing Number 171 Revision A
 Existing Block B/C/D/E - Second. Drawing Number 172 Revision A
 Existing Block B/C/D/E - Third. Drawing Number 173 Revision A
 Block A Window Detail. Drawing Number 180
 Block A Window Detail. Drawing Number 181
 Listed Building Elevations. Drawing Number 182 Revision A
 Block C Ground Floor Alterations. Drawing Number 205 Revision A
 Block C First Floor Alterations. Drawing Number 206 Revision A
 Block C Second Floor Alterations. Drawing Number 207 Revision B
 Block D Ground Floor Alterations. Drawing Number 208 Revision A
 Block D First Floor Alterations. Drawing Number 209

3. Prior to any construction work taking place on the glazed extensions to the 1818 female wing, a full breakdown of all external and internal construction and finishing materials, including construction details and method of fixing to extant building, shall be provided in writing to and approved by the Local Planning Authority. The development hereby approved, shall then be implemented in accordance with the approved details.
4. Prior to the installation of the glazing to the east elevation of the 1852 wing, full details of the glazing, including detailed cross sections and materials shall be submitted to and approved by the Local Planning Authority. The glazing shall then be installed in accordance with the approved details.
5. Full details of any new windows and doors to be installed, other than those details contained within the approved schedule of drawings, shall be submitted in writing to and approved by the Local Planning Authority, prior to their installation. The development shall then be implemented in accordance with the approved details.
6. Prior to the installation of any new or replacement rainwater goods, full details including cross sections, means of attachment and materials shall be provided to and approved by the Local Planning Authority. The development hereby approved shall then be implemented in accordance with the approved details.
7. Prior to any re-roofing works taking place, details, including samples of the roof slate shall be submitted to and approved by the Local Planning Authority. The new roof cladding shall be installed in accordance with the approved details, prior to the occupation of the building.
8. Prior to the installation of any floor surfacing or covering, full details of the proposed covering, including samples if required by the Local Planning Authority, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details.
9. Prior to the commencement of work within the existing listed buildings on site, full details of the proposed treatment of internal walls and any linings proposed shall be submitted in writing and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details.
10. Any re-pointing or repair works to the listed buildings shall be carried out using a mortar to match the existing mortar in the building. This should be a lime based mortar with no cement added to the mix. The proposed mix is to be submitted in writing to and approved by the Local Planning Authority prior to the pointing work

being carried out. Samples of the mortar mix and finish may be required in order to demonstrate an appropriate mix and pointing technique.

11. Prior to commencement of work within the Link Building, a watching brief for opening-up works within the Link, shall be submitted to and approved by the Local Planning Authority. The Watching brief shall provide a schedule of proposed works including an assessment and recording of any architectural or archaeological finds along with an explanation of how these will be dealt with, within the development.
12. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the installation of those surfaces.
13. No works shall be undertaken on the development above ground level until a schedule has been agreed with the Local Planning Authority of those materials that formed part of the building that has been demolished which are worthy for re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.
14. Prior to the installation of any other external fixtures or fittings on the listed buildings, full details of these shall be provided in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.
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11. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.
12. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.
13. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with Development Policy DP28.
14. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.

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Parish: Alne
Ward: Easingwold
1

Committee date: 15 November 2018
Officer dealing: Mrs Caroline Strudwick
Target date: 23 November 2018

18/01354/FUL

Construction of dwelling and detached garage as per amended plans received by Hambleton District Council 12th October 2018

At The Croft Main Street Alne

For Mr & Mrs P. Tomlinson

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 lies to the rear of The Croft, between the two dwellings known as Seymour House to the west and Croft Barn to the east.
- 1.2 The site has a brick wall along the boundary with Back Lane, and a set of double sheet metal gates adjacent to Croft Barn. The land is a grassed area of land with a pebble dashed roller shutter door garage in the north western corner and a green house on the eastern boundary, at approximately the half way point of the site length. The site is bounded by a mix of brick wall and timber fencing on all sides, with a timber gate in the south eastern corner to access The Croft.
- 1.3 The site is outside the Alne Development Limits; this boundary runs some 10m north of the rear elevation of The Croft. The site is inside the Alne Conservation Area with the boundary running along the opposite side Back Lane. The predominate character of this area is the narrow Back Lane, bounded by mature trees and hedges to the northern side and the end of the rear curtilages of the Main Street facing dwellings, demonstrating the historic toft and croft pattern of the village.
- 1.4 The application seeks permission for the construction of a new independent dwelling on the frontage with Back Lane. The design has been amended a number of times through the application process to address concerns of scale, number of window openings, generation of light pollution, and impact on the Alne Conservation Area.
- 1.5 The original foundations of the agricultural building have been exposed on site and the proposed footprint of the two storey element of this dwelling is within the original footprint of the agricultural dwelling. This original boundary wall will either be re-pointed and where necessary damaged bricks replaced or will be carefully taken down and rebuilt. The external elevations of the dwelling will then be extended upwards from the existing wall, but finished in a weathered timber cladding to replicate a number of other agricultural conversions in Alne (Park Farm, Village Farm and Oak Busks) but to also delineate between the existing wall and new construction on site.
- 1.6 The applicant has said that the proposed 2 storey element of the proposed building will be constructed within the footprint of the former barn, as the footings have been exposed. The single storey rear element extends beyond the footprint of the previous building and has a more contemporary design, the scheme incorporates six full height glazed panels, a flat green living roof with three slightly raised roof lights.

- 1.7 Amendments have been made to the proposal. The number of glazed panels has been reduced, and the previously proposed roof lanterns have been replaced with roof lights to address concerns of light pollution from the development.
- 1.8 The ridge of the building has been reduced during the course of the application to make it subservient to Croft Barn, and in line with Seymour House. The pitch has also been altered to reflect the 33 degree pitch on the neighbouring properties. This has been done to respect the existing dwellings either side, but to also minimise any tunnelling effect which may occur as a result of a row of three buildings. The gates to provide access into the site have been relocated south, away from the frontage, previously being flush to the front elevation. This is to give some variety of depths, and break up the continuous development.
- 1.9 The number of windows on the Back Lane elevation has been reduced to reflect the small number of windows on the conversions either side of the application site. The style of the windows has also been amended to a more traditional style. The front elevation has had punctuated brickwork slots added to reflect the similar detail next door. Whilst these are not present in the boundary wall, it is reasonable to assume that an agricultural building would have featured this practical detail.
- 1.10 A detached garage is proposed within the site, to the rear, in the south eastern corner. The ridge height of the garage has been reduced by 0.5m to 3.8m in response to neighbour concerns of over shadowing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02085/FUL Application for the construction of a detached dwelling with detached garage, terrace and driveway – application withdrawn 30th January 2018

All other planning history relates to development at the host property, The Croft.

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
- 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 – final comments due 25th Oct
- 4.2 Highway Authority – Recommended conditions

- 4.3 Public comments – 35 comments have been received, in response to both the 21 day and 10 day re-consultation. These consist of 22 objections, two neutral comment, and 11 supports. It should be noted that a number of the objections are multiple submissions.

The objections can be summarised as –

- Over development of the village as a whole.
- Unacceptable cumulative impact of back land development throughout the village.
- Over development of the site.
- Unacceptable impact on the rural character of Back Lane.
- The proposed building is not in character with other properties and will deter from the natural beauty of Back Lane.
- No evidence that a large agricultural building stood on the site, the scale and height to the one proposed.
- Design does not meet the tests of the NPPF's heritage section, and will not protect or enhance the character and setting of the Conservation Area.
- The principle of development in this location will set a precedent for more new homes fronting Back Lane, in rear gardens.
- Back Lane is a village amenity that should be protected as it is used by dogwalkers, joggers, ramblers & horse riders as a safe, quiet area of the village. Back Lane should remain a safe place for children to play and for individuals to enjoy the countryside
- An additional building of substantial height which will block the light, tree and skyline view in between the two existing barns. Proximity to neighbouring properties and potential for overlooking into proposed dwelling and neighbouring properties.
- Impact on Croft Barn by vehicles accessing the site, and disturbance to the neighbouring occupiers.

The two comments of support

- Consider that the proposed plans are entirely sympathetically with the local surroundings.
- Extensive research has gone into ensuring that they are based very much along the style of the previous historic building on this site.
- Back land development is inevitable and it is far more preferable that this is undertaken by someone with a local understanding and empathy as demonstrated by the amount of research and cooperation that has gone into their planning consultation.
- This is excellent in design, taking into account the heritage of the village.
- A natural infill with existing access. There is sufficient turning and parking on site.

- There is a play area in the village, why are children being encouraged to play in the road?

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character and the character and appearance of the Alne Conservation Area; (iii) access issues; and (iv) impact on residential amenity, including any loss of recreational use.

Principle

- 5.2 Alne is categorised as a secondary settlement in the Settlement Hierarchy published in the 2007 Core Strategy and is unchanged in the updated 2014 hierarchy, and therefore has prescribed Development Limits, however this site lies to the north of the Development Limits. For that reason any new housing in this location is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The village continues to be designated a Secondary Village in the updated Settlement Hierarchy published with the Council's Interim Policy Guidance (IPG), which allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
- Development should be located where it will support local services including services in a village nearby.
 - Development must be small in scale, reflecting the existing built form and character of the village.
 - Development must not have a detrimental impact on the natural, built and historic environment.
 - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the north edge of the village of Alne. The IPG allows for development on land that is outside the Development Limits of settlements. The proposal would be capable of supporting local services

and would be in accordance with the aims of sustainable development, complying with the first criterion.

- 5.6 The development is small in scale as it is for 1 dwelling. The development will occupy land that is considered to be domestic curtilage to The Croft.

Impact on Conservation Area

- 5.7 As the site is within the Alne Conservation Area there is a requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 “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 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.8 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.9 There is concern from the local residents that the principle of development in this location will unacceptably erode the character and setting of the Alne Conservation Area, particularly the visual amenity of Back Lane and the recreational value.
- 5.10 The sensitive location of the Alne Conservation Area and Back Lane was a significant concern of the Planning Officer during the course of the application; that the introduction of a building needed to be carefully designed so that the character and setting of the Alne Conservation Area is adequately protected. The applicant asserts that the principle of a building in this location should be supported as it is demonstrated by historic mapping that there was a substantial building here as early as 1845 through to 1952, and from 1893 the three building stood as a row. By reinstating a building which follows the historic footing the past layout of Back Lane will be recreated, mirroring the traditional croft and toft arrangement of the plots, where the main house was at the Main Street end, and an agricultural building at the opposite end, fronting onto a secondary land, the two separated by grazing or arable land. There is no evidence of how high the building was or how it appeared in the streetscene.
- 5.11 There are concerns regarding the imposing nature of a building between Croft Barn and Seymour House, and the potential for a tunnelling effect which may result in a sense of enclosure of Back Lane at this point. In response to these concerns the ridge line has been reduced to take it below Croft Barn, and in line with Seymour House and the access gates have been pushed back from the frontage to provide a variety of depths of the frontage. The enclosure caused by the earlier agricultural building is a factor that should be taken in to account when considering if the enclosure of the new dwelling is harmful or a reinstatement of an historic feature.
- 5.12 The property has been designed to make use of existing historic wall which will be repaired or rebuilt as necessary to secure its retention with the main 2 storey element of the dwelling within the footings of the former building. The applicant's Heritage Statement produced by Humble Heritage assesses the historic wall, which sits on the site boundary, as an important structure within Back Lane. Historic England have a set of four conservation principles which are used to help assess the significance of a place. It is considered that the value of this wall in its current condition is aesthetic (where sensory and intellectual stimulation is drawn from a place); and many of the public commentators note that the wall provides character to the Conservation Area which should be retained, whether this is in its current condition or as part of a

development. If this wall was to be demolished and rebuilt this aesthetic value would be retained, dependant on the re-use of materials from the wall and elsewhere on site.

- 5.13 No structural report has been submitted to confirm the stability of the wall, however, the value of the wall is not as a result of its architectural detailing and there would be no significant value lost by rebuilding, as long as the bricks are re-used with a suitable, appropriate mortar. It is proposed by the applicant that any bricks which needed replacing would be sourced from the existing boundary walls on site which date from the same period as the front boundary wall. By creating a building of predominantly agricultural appearance an evidential value is introduced to the site; in that the development of a building on site yields evidence about past human activity on the site which adds to the significant of this site within the Conservation Area and making a positive contribution to local character and distinctiveness, in line with NPPF paragraph 102.
- 5.14 The design, following amendments to address officer concerns, has been altered to be more in keeping with the scale of the buildings either side of the plot and to incorporate materials which are features of agricultural conversions elsewhere in the village, as well as window frames which reflect those of the dwellings adjacent.
- 5.15 The applicant is fully committed to incorporating the wall into the scheme, and has amended the plans to ensure that the wall is the most prominent material on site, with the timber boarding used over a smaller area. The use of brick and timber boarding on barn conversions is one which is commonly seen in the village, at Park Farm, Hall Gath, Oak Busks, and the recent development at Village Farm. The reduction in the extent of timber board is intended to highlight the importance of the wall. The boundary walls between the neighbours have been constructed of similarly aged and sized bricks, it is the intention to use these bricks to when replacing any failed bricks on the front elevation to preserve the visual amenity of the wall
- 5.16 The rear of the dwelling is more contemporary in its design, with the introduction of large glazing panels, large roof lights and flat living roof. It is recommended that the submission of a landscaping scheme is conditioned, and that scheme should provide full details of the species to be used and how the roof will be maintained to ensure it is successful. This flat roof element is single storey and there will be limited, if any views, of this part of the dwelling from Back Lane.
- 5.17 By virtue of the dwelling's sympathetic design, and amended dimensions it is considered that the construction of a building in this location will not cause harm to or loss of significance of the Conservation Area. The scheme will ensure that a boundary wall will be conserved, whether it is repaired or rebuilt, it is its presence which is most important, than its current condition. By preserving the presence of the wall, the important contribution it makes to the Conservation Area as well as adding to the wall to follow historic footings will enhance the Alne Conservation Area. The scheme will reinstate the historic layout of the Conservation Area and allow the traditional croft and toft form to be read.

Access Issues

- 5.18 There are a small number of dwellings with primary access from Back Lane and other dwellings have a secondary access from Back Lane. Additionally there are two farms that take access from Back Lane, as a consequence the land is quite, lightly trafficked with no through way for motor vehicles.
- 5.19 It is noted that no objection has been raised by the Local Highway Authority Rights of Way officer to the development.

- 5.20 The greatest concern which has arisen from the community is the impact of increased traffic on the people who use the lane to walk dogs, exercise horses and children who enjoy the quiet lane to play. It is considered that the addition of one four bedroom house will not significantly increase the level of traffic on Back Lane to such an extent that those people who currently use it for leisure purposes will be unable to continue to use it for such purposes. It should also be noted that there is a playing field near by which can be used by children for playing.
- 5.21 NYCC Highways had no objection to the previously withdrawn scheme, subject to the attachment of recommended conditions. The NPPF states in paragraph 109 that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”. There will be an increase in traffic as a result of this scheme however is not expected to cause any demonstrable harm or harm to those people who use Back Lane as a pedestrian route or choose to exercise horses here. The proposal is in a location which will provide convenient pedestrian access to the village, thus minimising the need to travel. The scheme is considered to meet the tests of CP2, DP3 and DP4.
- 5.22 There is no evidence to suggest that the capacity of the infrastructure would be exceeded by the development of one dwelling. Accordingly the scheme meets the requirements of the IPG.

Impact on residential amenity

- 5.23 The site is located between two dwellings formed by barn conversions, and will back onto the rear of the properties in Main Street. The scheme originally featured a large glazed expanse at the rear, however, in response to officer concerns regarding light pollution. The potential for light pollution has been reduced by removal of the roof lanterns, that are substituted by roof lights. There will a level of light pollution, as with any dwelling, however the scheme will not result in an unacceptable level of light escaping.
- 5.24 Concerns have arisen from the neighbours regarding the potential for overlooking into the proposed dwelling and vice versa. Based on the red line location plan, there is a separation distance from the rear elevation of High Gables to the proposed site boundary of 19.7m, there is then an additional 17.9m length of garden from the rear boundary to the rear elevation of the proposed dwelling. This is a total separation distance between the rear elevations of High Gables and the proposed single storey element of the proposed dwelling of 37.6m. It is a very similar separation distance between The Croft and the proposed dwelling. The total separation distance between Birdforth House to the north of The Croft and the proposed single storey element of the proposed dwelling is approximately 55m. Given these distances it is considered that there will not be an unacceptable loss of privacy or potential for overlooking.
- 5.25 The neighbour at Croft Barn has raised concerns regarding the potential for unacceptable disturbance due to vehicles passing between Croft Barn dwelling and the proposed. The neighbour has anticipated that the disturbance will occur when using the garden, and due to the principle bedroom being at end of Croft Barn which is nearest the application site, disturbance will occur when the occupants are sleeping. It is accepted that vehicles will be accessing the site, and these vehicles will be create noise, there is nothing to suggest that the occupants would be accessing the site at abnormal frequency or times.
- 5.26 It has been suggested that the property may be advertised as a holiday rental, rather than being used as an independent primary dwelling. It is not considered that there would be any additional nuisances or concerns to consider should this occur, and no

reasonable justification to apply a condition which removes the allowance to use the property as a holiday rental.

Drainage

- 5.27 The proposed drainage arrangement of connection to the mains sewer for foul sewage, and soakaway for disposal of surface water, is considered to be acceptable and no objections have been raised by consultees relating to drainage. The site is within flood zone 1 and therefore not within an area of significant flood risk.

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 753/02/01/J and 753/02/02/H received by Hambleton District Council on 1st November 2018 and 753/02/03F received by Hambleton District Council 12th October 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. Prior to first occupation a landscaping scheme which sets out the type and number of species to be used on the living roof and a management plan of the roof shall be submitted, and approved in writing, by the Local Planning Authority. Any 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. Once approved the maintenance of the roof shall be carried out in accordance with the approved plan until such a time it is withdrawn in written agreement with the Local Planning Authority.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. There shall be no demolition of the front boundary wall until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use in the re-construction of the wall and a schedule of additional materials required to

replace any failed bricks. The wall shall be carefully taken down or dismantled and the materials contained in the schedule stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule, as well as the mortar.

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, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to help assimilate the development within the rural landscape.
5. 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.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
7. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton Local Development Framework policy CP28.

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Parish: Alne
Ward: Easingwold
2

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 22nd November 2018

18/02070/FUL

**Full planning application for the construction of a detached, one and a half storey dwelling
At Falloden, Forest Lane, Alne
For Mr Davidson**

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 relates to the front domestic of Falldon, Forest Lane, Alne Station at the western-extremity of the village. Alne Station is located approximately 650 metres to the north-east of Alne village 3.3km to the north of Tollerton village and 5.4km to the south-west of Easingwold.
- 1.2 The application site extends to approximately 0.09 hectares and is accessed from the existing private driveway and turning area which connects with Forest Lane. The site is bounded by Low Hall (a large residential dwelling) to the south, Manacor and Park Farm to the east, residential dwellings (including Milnthorpe House and Maltings Court) to the north of Forest Lane and open countryside to the far west on the opposite side of the road that runs south towards Alne village.
- 1.3 The site is screened by mature trees and hedgerows running along its northern, western and southern boundaries, which would be retained as part of the proposals.
- 1.4 The application site is located outside of Alne Conservation Area. The Maltings, a Grade II Listed Building, is located approximately 30 metres to the north of the application site.
- 1.5 Full planning permission is sought for the construction of a detached, 1.5 storey dwelling The dwelling is designed with an asymmetric front elevation incorporating a bay window, ornate timber porch and traditionally proportioned fenestration details. The main ridge line is broken by two chimneys flush with each side elevation, with a lower level chimney adjacent to the bay-window. The proposed dwelling is shown with a pitched roof finished with slate or concrete tiles and exterior walls in red stock brick.
- 1.6 The proposed ground floor accommodation comprises of a lounge, dining room, kitchen, utility and a single bedroom with an en-suite. Two further bedrooms and bathroom would be accommodated within the roof space.
- 1.7 Access to the site would be taken from Forest Lane via the existing driveway which leads to a shared parking and turning area for Falldoden and Manacor. Dedicated car parking for 2 vehicles would be provided adjacent to the proposed dwellings front elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/01999/FUL - Proposed vehicular access; Granted 15.11.2013 but not implemented. This was to be to the west of the existing vehicular access.

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 force
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 – no objection to the proposal.
- 4.2 Highway Authority – no objection, subject to conditions regarding the construction requirements of the private access, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 RAF Linton on Ouse – no safeguarding objections to this proposal.
- 4.4 Kyle and Upper Drainage Board – The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.
- 4.5 Yorkshire Water – no comments to make on the application.
- 4.6 Public comments – no comments received to date.

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 (iii) design; (iv) heritage assets; (v) residential amenity; (vi) highway safety (vii) drainage issues and (viii) land contamination.

The principle of development

- 5.2 The site falls outside the Development Limits of Alne. Policy CP4 states that all development should normally be within the Development Limits of settlements.
- 5.3 Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 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.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy contained within the IPG, Alne Station is defined as an "Other Settlement". Alne village is approximately 650 metres 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 settlements and access to bus services. Alne and Alne Station are identified as "Cluster Villages" within the IPG due their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG; proposed development must provide support to local services including services in a village or villages nearby.

The character of the village

- 5.7 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 one dwelling and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.8 The site layout shows a dormer bungalow and the Council's Size, Type and Tenure of New Homes SPD identifies a need for more choice for older people including that of bungalows. The dwelling will provide a ground floor bedroom that is considered to meet the Size, Type and Tenure of New Homes SPD as well as 2 bedrooms within the roof space.

- 5.9 The site is bounded by Low Hall (a large residential dwelling) to the south, Manacor and Park Farm to the east, residential dwellings (including Maltings Court) to the north and open countryside to the far west on the opposite side of the road that runs south towards Alne village.
- 5.10 Visually, the site is well contained with a landscaped boundary extending along the south and eastern edges of the site. When approaching the site from Forest Lane or from the road that runs north towards Alne Station itself and south towards the village of Alne, the dwelling will be read in conjunction with the existing residential dwellings in the immediate locality.
- 5.11 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village.
- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in a separate section of the report (5.22)
- 5.13 By virtue of the siting of the proposed dwelling and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment. There is no ecological interest in the site.
- 5.14 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.15 The proposed dwelling is sited within the domestic curtilage of Falloden. The site is screened by mature trees and hedgerows running along its northern, western and southern boundaries, which would be retained as part of the proposals. Furthermore, the road to the west provides a buffer between the cluster of dwellings at Alne Station and the application site and the open countryside beyond.
- 5.16 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Design

- 5.17 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.18 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.19 The submitted drawings show a detached, 1.5 storey dwelling which is comparable in scale and mass to the host dwelling, Fallodon. The dwelling is designed with an asymmetric front elevation incorporating a bay window, ornate timber porch and traditionally proportioned fenestration details. The main ridge line is broken by two chimneys flush with each side elevation, with a lower level chimney adjacent to the bay-window.

- 5.20 Traditional building materials will be used to ensure that the proposed dwelling reinforces local distinctiveness.
- 5.21 In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the principles of the NPPF and the requirements of Policy CP17 and DP32 of the adopted LDF.

Heritage assets

- 5.22 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 Alne Conservation Area.
- 5.23 The application site is located 750 metres to the north east of the Alne Conservation Area. It is considered that given the distance from the site to the Conservation Area, the proposal will not harm the designated asset.
- 5.24 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.
- 5.25 The Maltings, a Grade II Listed Building, stands approximately 30 metres to the north of the application site. There is substantial screening provided by existing buildings and mature landscaping between the site and the Grade II listed building. The most sensitive elevation of 'The Maltings' fronts onto Alne Road and is not viewed in conjunction within the application site.
- 5.26 It is considered that given the distance and intervening road and landscape feature between the site and the Grade II Listed Building, the proposal will not harm the designated asset.

Residential amenity

- 5.27 It is considered that the site is capable of accommodating one dwelling without prejudicing residential amenity of Falloden, Manacor and Low Hall by not being overbearing in presence and would not cause a loss of light or loss of privacy. The dwelling is one and a half storey in height.
- 5.28 The principal outlook from the dwelling is towards the west and the position of the windows will ensure that residential amenity of the new dwelling will be protected. There are 3 roof lights on the rear, east facing roof slope and there is considered to be sufficient distance from these to other dwellings to avoid any loss of amenity.
- 5.29 The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Falloden.
- 5.30 The existing boundary treatments including a screen fence between the garden of Falloden and the turning area for the proposed dwelling, Falloden and Mancor will be retained. There will be a new brick boundary wall (1.8 metres in height) between the rear garden of the new dwelling and the turning area.

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.

- 5.32 Access to the site would be taken from Forest Lane via the existing driveway which leads to a shared parking and turning area for Falloden and Manacor. Dedicated car parking for 2 vehicles would be provided adjacent to the proposed dwellings front elevation. There is also one visitor car parking space.
- 5.33 The proposed development relates to a sustainable location, benefitting from good accessibility to local services by alternative modes of transport and would have a minimal impact on the highway network. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage

- 5.34 Foul drainage from the site would connect to the existing mains sewer, whilst surface water would to soakaway(s) as a sustainable drainage system.
- 5.35 The exact details can be secured 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.

Land contamination

- 5.36 The submitted information does not identify any unacceptable risks from land contamination. It states that the site is a private garden with no signs of settlement, subsidence or contamination

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 2112 01, 02A, 03 received by Hambleton District Council on 27 September 2018 and 23 October 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. 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.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements c. The existing access shall be improved by reconstructing in accordance with Standard Detail number E6. h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 5. 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 2112/02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c.The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons 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, CP17 and DP32.
3. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with Policy CP2 and DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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Parish: Bedale
Ward: Bedale
3

Committee Date: 15 November 2018
Officer dealing: Mrs H Laws
Target Date: 23 November 2018

18/00592/FUL

**Residential development for the construction of 14 dwellings
At Bedale Allotment Association, The Allotment Gardens, Masham Road, Bedale
For Arncliffe Homes Ltd**

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

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 This planning application seeks permission for the construction of 14 dwellings on an area of land that lies towards the south western end of Bedale, to the rear of dwellings on the eastern side of Masham Road and the allotment gardens. A children's play area lies on the southern side of the site. Vehicular access to the site is from the relatively new housing development on Calvert Way. The site which is allocated in the Local Development Framework for housing (BH1), is currently overgrown and fenced to all sides and was last used as allotments. To the north of the site lies undeveloped scrubland that forms the remainder of allocation BH1.
- 1.2 The location plan shows the extent of the site boundary covering an area of 0.48 hectares. The application has been submitted with a Planning Policy Statement; a Design and Access Statement; a Landscape layout; a Preliminary Ecological Appraisal; a Flooding and Drainage Statement; and a Stage 1 & 2 Desk Study and Geo-environmental Report.
- 1.3 It is proposed to access the site by the vehicular access from the existing hammerhead between numbers 11 and 15 Calvert Way, across a tarmacked area and a public right of way.
- 1.4 The scheme proposes seven pairs of semi-detached units; four of which would be 2 bedroomed and 10 of which would be three bedroomed. None of the dwellings would have garages but all would have driveways that extend alongside each of the houses, providing at least two parking spaces per dwelling. The houses would all have hipped roofs and front porches and be finished in brickwork and concrete pantiles.
- 1.5 A landscaping scheme has been submitted, which proposes the planting of trees and shrubs within and along the edge of the site. Existing hedgerows bounding the site would be retained.
- 1.6 There are no affordable houses proposed as part of the scheme.
- 1.7 As identified in Section 2.0 below, the site is allocated (BH1) for housing development within the Local Development Framework, as part of a larger site area for around 55 dwellings.
- 1.8 The layout plan has been amended in order to ensure that there is no ransom strip between this and the adjacent site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The site is allocated for housing development within the Council's Local Development Framework and the requirements are as follows:

BH1 Masham Road, Bedale (1.5ha)

This site is allocated for housing development in Phase 1 (up to 2016) subject to:

- i. development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 55 dwellings (of which a target of 40% should be affordable);
- ii. types and tenure of housing developed meeting the latest evidence of local needs;
- iii. an alternative location being provided for the current allotments occupying the site;
- iv. vehicular access to the site being taken exclusively from Masham Road through the development to the south;
- v. contributions from the developer providing improvements to pedestrian and cycle access in the area, particularly retaining the public right of way across the site and along Firby Road to local facilities;
- vi. contributions from the developer towards providing public open space, necessary infrastructure improvements, particularly increasing sewerage and sewage disposal capacity; and
- vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

- 2.2 The site is smaller (0.48ha) than the allocated site (1.5ha). This is discussed in detail in paragraphs 5.3 and 5.4 below (allotments are retained but only on part of the site).

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP5A - The scale of new housing by sub-area

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP9 - Affordable housing

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

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 DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Bedale Town Council – no comments received (expiry date for representations 24/5/2018)

4.2 Highway Authority – the following comments have been received:

1. Ownership of land outside 11 Calvert Way requires clarification. Whilst the applicant has included this area within the red line boundary, the owner of 11 Calvert Way has maintained and planted this area with a small boundary hedge. It is to be noted that this area is beyond the current adopted highway boundary and therefore this is a private matter which should be addressed between the applicant and the owner of 11 Calvert Way (the applicant has since confirmed that the land within the application site boundary is not on land owned by 11 Calvert Way)
2. The applicant shall also consider the existing surfaced footpath running between the application site and number 11 and 15 Calvert Way; proposals should safely accommodate pedestrians, including crossing points either side of the main access to the proposed development.
3. An existing unmade path, accessed from Pinewood Grove is located to the North Eastern boundary of the site. Whilst this is shown on the proposed site layout plan, the landscape layout plan shows this area to be a planted area.
4. The site layout plan shows clear space for up to 2 spaces per property which meets the requirement of the Highway Authority.

Conditions are recommended.

4.3 Yorkshire Water Services – a condition is recommended.

4.4 Environmental Health Officer – no comments

4.5 Senior Scientific Officer (land contamination) - The Phase 1 Desk Study and Geoenvironmental Report submitted with the above application identifies lead contamination at one sample location and recommends remediation to ensure a safe development. I can confirm that I agree with the findings of the report and conditions are recommended.

4.6 Site notice/local residents – four letters have been received from local residents whose comments are summarised as follows:

- At present this is a very quiet peaceful cul de sac
- Concern about access to property when the development is being built
- Clarification needed that the dwellings will be maximum 2 storey with no roof space rooms
- Parking on the Planning application form states 14 spaces are to be provided. This is totally inadequate and each dwelling should have a minimum of 2 spaces and 3 to include visitors to the 3 bedroom units. The parking on Calvert Way is horrendous with not enough off street parking provided and cars parked on the side of the road throughout the estate
- Path/track to the East side of the site is shown on some of the plans and should be re-instated as it would give better access to the Schools, Leisure Centre and Doctors from the top of the development.

- The drainage is inadequate as the houses on the Firby Road estate have to put up with sewage in their gardens since the Calvert Way houses were built.
- All utilities need to be updated.
- Consider the reinstatement of the old right of way from Masham Road to Pinewood Grove.

5.0 OBSERVATIONS

- 5.1 The principle of development has been established with the allocation of this site as part of a larger site for residential development. The remaining planning issues relate to (i) the principle of allowing a part of the land allocated to be developed; (ii) the requirement for affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the design and housing mix within the development; (v) the impact on neighbour amenity; (vi) ecology; and (v) highway matters.

The Principle of Development

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. As noted in paragraph 2.1 above, 1.5ha of land is allocated for new housing under Policy BH1, of which this site forms a part, and which states that the site is allocated for housing for release in Phase 1 (up to 2016).
- 5.3 The site allocation consists of an area that includes the allotment site in its entirety as well as an area of adjacent scrubland within separate ownership. The application site forms only part of the allocated BH1 site; an additional area in the south eastern corner of the application site does not lie within the boundary of the allocation but it forms part of the same site physically. The application site covers an area of 0.48ha.
- 5.4 Due to problems in trying to relocate the allotments elsewhere in Bedale, the allotments have been consolidated and improved within part of their original site. As such no housing is now anticipated on this element of the allocation. The allocation sought the replacement of any lost Allotments in an alternative location. This has not been achieved previously or as a result of this application. Given that the allotments have been previously consolidated onto a smaller part of the site, the application itself does not result in the loss of any further allotments.
- 5.5 The remaining part of the allocation to the north east, the undeveloped scrubland, is not included within this application as the site is in separate ownership and is likely to be developed separately.
- 5.6 On the basis that the site has gone through an extensive site allocations process; that the community has had the chance to comment on that site allocation process; and that the Development Limits boundary includes the application site (including the element not included within the allocation), it is considered that the development has in principle support.

Affordable Housing Provision

- 5.7 Policy BH1 states that the site is allocated for housing subject to development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 55 dwellings for the site as a whole. The proposed scheme, on the smaller part of the site, would result in a density of 29 dwellings per hectare.

- 5.8 The Policy states a target of 40% provision of affordable housing. The applicant is not proposing the provision of any affordable housing nor any contribution towards affordable housing.
- 5.9 Within Bedale affordable housing can be sought on schemes of 15 or more units, or sites of 0.5ha or more under Policy CP9. This site falls just below the 15 unit threshold and, at 0.48ha is just below the Local Plan site area threshold above which affordable housing contributions are required.
- 5.10 The apparent artificial subdivision of this site to avoid affordable housing provision would not be acceptable. However, in this instance it is considered that the site is independent of the adjacent scrubland in terms of ownership, use and as a separate planning unit, clearly separated by a hedgerow with no rights of access between the two elements. The site is a distinct entity from the adjacent land and is not therefore an artificial subdivision. Case law indicates that it should be considered on the basis of it being a separate site, on its own merits and in accordance with Policy CP9. This means that affordable housing cannot be required as part of the proposed development.
- 5.11 The provision and retention of the allotments on part of the allocated site restricts the developable area and therefore the provision of 14 units as proposed, rather than 15 units, for example, would not be an artificial under-development of the site. The density is lower than that envisaged within Policy BH1 (29 houses rather than 35 houses per hectare) but this is reflective of the shape of the site and the provision of the central access road. In addition, a section of land that does not lie within the allocation has been incorporated into the application site. Each of the houses has an adequate area of amenity space and separation and the insertion of an additional unit, just to achieve the affordable housing threshold, would be likely to result in a cramped and over-developed site.

Impact on the character and appearance of the area

- 5.12 The suitability of the site for residential development has been assessed during consideration of the Allocations DPD. The site is surrounded by other residential uses and would be a sustainable form of development.
- 5.13 The existing site is of no visual merit and its development would not result in the loss of an important area of open space. The proposed linear form of the development reflects the shape of the site with a relatively low density development to either side of an S-shaped central access road, which continues the existing cul de sac of Calvert Way.
- 5.14 It is considered that the proposed layout would respect the general built form of the town. There is no identified harmful impact to the built or historic environment.
- 5.15 Policy DP8 states that the location of the Development Limits will ensure that development within it will not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF. The proposed development is wholly within the town and would have no impact on the character and appearance of the surrounding countryside.

Design and housing mix

- 5.16 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’.

- 5.17 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.18 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.
- 5.19 The submitted Design and Access Statement concludes that the dwellings would be appropriate within their context and would integrate well into the town of Bedale. The proposed layout is a traditional cul-de-sac development of semi-detached dwellings, which is common within this part of the town. Although some of the dwellings vary in size, they are of a uniform design, which is different to that of the Calvert Way development where many of the dwellings vary in terms of form, height and design. The scheme would be more in keeping with the older, lower density developments of Masham Road and Grange Road and are therefore considered appropriate for this part of Bedale.
- 5.20 Of the 14 houses proposed 10 are 3 bedrooled and 4 are two bedrooled. All of the proposed units are two-storey, semi-detached properties. Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings. The provision of two and three bedroom homes is prioritised by the Size, Type and Tenure of New Homes SPD and is considered acceptable in this location.

Impact on neighbour amenity

- 5.21 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The application proposes a layout of semi-detached dwellings fronting onto the newly created access road with adequate separation from each other to respect privacy and outlook.
- 5.22 The pair of semi-detached dwellings at Plots 11 and 12 lie in close proximity to the boundary at the south eastern part of the site. The existing dwelling at number 16 Pinewood Grove lies almost at right angles to the proposed dwellings, facing directly over the rear garden of Plot 11. A 3m tall conifer hedge, which separates the two sites, currently provides the outlook at ground floor level for the existing dwelling and would provide privacy for the new residents. The closest point between the two dwellings lies at approximately 10m but neither the side nor rear elevations are directly in line with the front elevation of number 16 and would not adversely affect amenity to the extent that it would be contrary to LDF Policy DP1.
- 5.23 It is recommended that a condition be imposed requiring the submission of a management plan prior to building work commencing to control the hours of operation and vehicle movements during the period of construction at the site in order to limit its impact on residential amenity.

Ecology

- 5.24 Policy DP31 of the Development Policies DPD 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 the number of sites and habitats of nature conservation value”.
- 5.25 The ecological appraisal submitted with the application concludes that the site currently has a low ecological value with no notable habitats for protected species, particularly due to its separation by roads and existing development from wildlife corridors, although with some potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.
- 5.26 Opportunities for enhancement are included as recommendations, such as the provision of bat and bird boxes and the planting of a species rich hedgerow along the boundaries. An appropriate condition could be imposed to secure the implementation of these measures.

Highway Matters

- 5.27 The Highway Authority initially expressed concern that the land between the existing cul de sac of Calvert Way and the application site was planted and appeared to have been incorporated within the plot associated with 11 Calvert Way. Evidence has been provided that the site does not lie within the ownership of number 11 and therefore would be available for use in the creation of the access into the site. The Highway Authority has confirmed their agreement to the proposed access.
- 5.28 The existing unmade path along the north eastern boundary is not a public right of way; there is already an alternative public right of way along the south western boundary, which provides access through to the southern end of this route from Masham Road and it is not considered that a footpath route at both ends would be necessary.
- 5.29 The Highway Authority raises no objection subject to conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** planning permission subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 26 June 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.
5. The package of ecological enhancement as detailed within the Preliminary Ecological Appraisal produced by Brooks Ecological received by Hambleton District Council on 19 March 2018 shall be carried out in full.
 6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with the details shown on the landscaping plan received by Hambleton District Council on 26 June 2018. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
 8. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.
 - a) 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.
 - b) No development shall commence until the approved remediation scheme has been implemented.
 - c) 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.
 9. The development shall be carried out in accordance with the details shown on the submitted Flooding and Drainage Statement prepared by ARP (Report 956/29r1 dated 11/11/2015), unless otherwise agreed in writing with the Local Planning Authority.
 10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
 - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways

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

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
12. 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.
13. There shall be no movement by construction or other vehicles between the highway and the application site(except for the purposes of constructing the initial site access) until that part of the access extending 20metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with Specification of the Highway Authority unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.
14. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of

mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

16. There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved access is available for use.
17. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routing to avoid.
18. The permission hereby granted shall not be undertaken other than in complete accordance with drawing numbers 4992 - A(00)01 P01; A(00)02 P01; A(00)03 P05; A(00)04 P04; A(00)07 P01; A(00)08 P01 received by Hambleton District Council on 19 March, 26 June and 20 July 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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To enhance the biodiversity of the site in accordance with PDF Policies CP16 and DP31.

6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In 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 LDF Policy CP21.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP2 and DP4.
10. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with LDF Policies CP2 and DP4.
11. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with LDF Policies CP2 and DP4.
12. 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 LDF Policies CP2 and DP4.
13. 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 LDF Policies CP2 and DP4.
14. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
15. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
16. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.in accordance with LDF Policies CP2 and DP4.
18. 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 Local Development Framework Policies.

Informatives

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

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

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

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

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

2. In imposing condition number 10 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
3. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The '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.
4. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway. No tree shall be planted within two metres of any part of the proposed adopted highway.

Parish: Carlton Miniott

Ward: Thirsk

4

Committee date: 15th November 2018

Officer dealing: Miss Charlotte Cornforth

Target date: 16th October 2018

18/01762/OUT

Outline application with all matters reserved for a proposed 2 bed detached bungalow adjacent 41 Ripon Way

At 41 Ripon Way, Carlton Miniott

For Mr and Mrs Wilson

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 application site (0.03 hectares) is located on Ripon Way at the junction with Cleveland Way within Carlton Miniott. Carlton Miniott is classified as a Service Village within the Settlement Hierarchy.
- 1.2 The site is currently the domestic curtilage of 41 Ripon Way. 41 Ripon Way is a single detached 3 bed family 2 storey dwelling fronting Cleveland Way set in a large domestic corner plot garden with a single garage to the north of the dwelling. Ripon Way is an established residential estate.
- 1.3 The site is relatively flat and there is a mature hedge and trees to the boundaries fronting Ripon Way and Cleveland Way.
- 1.4 The site has existing residential properties to the west; 41 Ripon Way and 2 Cleveland Way and to the north 43 Ripon Way. To the south and east of side of Ripon Way there are bungalows, dormer bungalows and 2 storey dwellings.
- 1.5 Outline planning permission is sought to establish in principle the construction of one, detached 2 bedroom single storey dwelling. There are no matters for approval at this stage and therefore all matters, i.e. access, layout, appearance, landscaping and scale are reserved for later consideration.
- 1.6 Changes have been made to the application including the proposal seeking approval for a detached 2 bedroom bungalow. The initial scheme sought approval for a detached 3 bedroom dwelling.
- 1.7 The indicative site layout plan shows the dwelling positioned relatively central to the plot, with a proposed new vehicular access off Cleveland Way and the car parking spaces that are available within the site. The existing access, garage and car parking spaces off Ripon Way will be retained for 41 Ripon Way. It has also been suggested that the mature hedgerow and trees along the boundaries will be retained.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 force
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy 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 – objected to the initial scheme on the basis that the site is too small, making the dwelling close to 41 and 43 Ripon Way. They have stated with regard to the revised scheme that the building line is a detraction from the street scene.
- 4.2 Highway Authority – no objection, subject to conditions regarding the construction requirements of the private access, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 RAF Linton on Ouse – no objection to the principle of the house at this location. However, the MOD should be consulted at all future application stages for this proposed development to complete a full detailed safeguarding assessment. (No response to reconsultation on the bungalow proposal.)
- 4.4 Yorkshire Water – no comments received to date.
- 4.5 Public comments – 4 letters of objection have been received regarding the initial 21 day consultation and the 10 day re-consultation. A summary of their objections are:
- The size and location of the proposed new house shows that it would be built very close to the property boundary along Ripon Way and as a result, it would stand too close to the road when compared to other houses along that side of the road
 - The proposed dwelling will break the natural line of houses either from the north or south view point in Ripon Way
 - The houses on Ripon Way and Cleveland Way were built on plots which provided sufficient outdoor garden area to space the properties out and so that the houses were built set back from the road
 - It is likely that the existing hedge would need to be removed from the boundary which would result in a much open and blank side aspect of the plot
 - The garden space for the existing house would be significantly reduced
 - Insufficient outdoor amenity space for the new dwelling
 - Vehicular access to the proposed dwelling would be directly onto a T junction
 - This development would be right opposite my front window (30 Ripon Way) where there is a beautiful tree and long high hedge surrounding the said property. These of course would have to be removed for development and it would ruin the whole corner of Ripon Way into Cleveland Way, and also the noise, mess and total disruption that would be caused.

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 (iii) design; (iv) residential amenity; (v) highway safety; and (vi) drainage issues.

Principle

- 5.2 The application site is located within Development Limits of Carlton Miniott. Carlton Miniott is classified as a Service Village within the Settlement Hierarchy. Policy DP8 (Development limits) states that permission for residential development will be granted within the settlement Development Limits, provided that the proposal is consistent with other LDF policies. It is considered that the principle of development is acceptable in this instance.

The character of the village

- 5.3 Policy DP8 states that new development should be sympathetic in scale and location to the form and character of settlements. Furthermore, development should be considered to be a natural infill within the settlement.
- 5.4 The corner plots with the area, including Ripon Way and Cleveland Way have further garden space which contribute towards the overall spacious nature and character of the area. This includes the application site.
- 5.5 The constrained nature of the plot has resulted in a dwelling that will project further east and this will not replicate the prevailing building lines of the dwellings in the immediate locality, particularly dwellings on Ripon Way.
- 5.6 Whilst the dwellings are of different designs and scales there is a strong building line on both sides of Ripon Way and it is considered that this building line is an important characteristic of the street and should be protected. The corner plots are spacious and lack of development in them results in them making a positive contribution towards the character of the area.
- 5.7 It is considered that the proposed dwelling would cause harm to overall spacious nature and character of the area due to its siting and projecting eastwards, beyond the prevailing building lines of the dwelling along Ripon Way.

Residential amenity

- 5.8 Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.9 The separation distances are sufficient so that the scheme will not prejudice residential amenity, particularly that of 43 Ripon Way by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.10 The site is considered capable of providing adequate private amenity space for the proposed dwelling without prejudicing the amenity space of 41 Ripon Way.

Highway safety

- 5.11 The Highway Authority has raised no objection to the forming of the new vehicular access off Cleveland Way and the car parking space that is available on the site. This

is subject to conditions. The existing access, garage and car parking spaces off Ripon Way will be retained for 41 Ripon Way.

- 5.12 There is no evidence to suggest that the development would cause harm to highway safety.

Planning balance

- 5.13 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above.
- 5.14 The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 67 of the NPPF. Little weight can therefore be given to the benefit of providing an additional house.

6.0 RECOMMENDATION

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

The proposal fails to achieve a high quality of design due to the over development of the site, leading to a loss of spaciousness and harmful to the visual amenity of the existing residential estate. The site is in a prominent position and the development would be visually intrusive in the street scene due to the building line projecting further forward compared to the prevailing building lines of Ripon Way. This would cause significant harm to the built environment, contrary to the Hambleton Local Development Framework Policies CP1, CP17 and DP32.

Parish: Crayke
Ward: Easingwold
5

Committee date: 15 November 2019
Officer dealing: Mr Rowshon Uddin
Target date: 28 November 2018

18/02110/FUL

Whistling Green, Church Hill, Crayke, North Yorkshire, YO61 4TA

First floor extension over existing garage to form replacement conservatory

This application is referred to Planning Committee at the request of a Ward Councillor to allow the Committee to give consideration to the balance of the issues of:

- **the appropriateness of the design of the replacement building, versus;**
- **the harm arising from the appearance of the existing building particularly the reflective nature of the existing roof covering.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Whistling Green is on the north east side of the steeply sloping Church Hill and is surrounded by cottages with red clay tile roofs and red brick walls - Whistling Green stands out because of its dark slate roof and white rendered walls. Its architecture is different to the surrounding cottages as it has a gable facing Church Hill.
- 1.2 The final exceptional feature of the property is the brown painted timber framed conservatory that sits on top of the garage to the south east side of Whistling Green and that appears to be associated with the dwelling, Gallipot, as both the garage and conservatory adjoin Gallipot and stand forward of Whistling Green.
- 1.3 The village of Crayke sits 1.5 miles east of Easingwold. Crayke is within the Howardian Hills Area of Outstanding Natural Beauty and the property is within Crayke Conservation Area.
- 1.4 The proposal is to demolish the upstairs conservatory and replace it with a structure of similar form using 'anthracite' upvc framing and 'composite pewter tiles'.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 76/0246/FUL - Alterations to existing dwelling house to make a bay window; Permitted 28 October 1979
- 2.2 18/01014/FUL - First floor extension over garage to form conservatory; Refused 3rd September 2018 noting that "In the absence of details to prove to the contrary and on the basis of the submitted details indicating the choice of black composite tile for the orangery roof and use of uPVC materials for its framework the scheme would harm the appearance of the street, Conservation Area and Howardian Hills AONB and is, therefore, in breach of Policy CP1, DP1, CP16, DP28, CP17, DP32 and Domestic Extension SPD of the Local Development Framework."

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are;

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

Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATION

- 4.1 Crayke Parish Council - The amendments do not address the Parish Council's objections to the previous application so our objections remain. Council has no objection to the construction of the new building but does object to the roof materials proposed which are out of keeping with the surrounding buildings within the conservation area. The conservatory is separated from the main property but abuts the adjoining cottages which are of a different construction to property. Therefore the materials used for the extension should match the cottages rather than the main property, in particular tiles rather than slate for the roof and, rather than white UPVC, wooden or brown UPVC window frames.
- 4.2 Public Notice and neighbour notifications – No comments to date

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) impact of development to the appearance of the street, Crayke Conservation Area and the Howardian Hills AONB, and (ii) impact of development to the amenity of adjoining properties.

Impact of development to the appearance of street, Conservation Area & Howardian Hills Area of Outstanding Natural Beauty

- 5.2 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." This objective is interpreted and captured in Policies CP16 and DP28. The LDF Policies CP17 and DP32 seek to ensure that in all cases proposals achieve a high quality of design. and that in Conservation Areas the developments do not harm the qualities of the area. 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.
- 5.3 Additionally 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 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.4 The context of the development is as explained above that existing conservatory is attached to the adjoining property (Gallipot) and looks separate from the host property. In consequence, the conservatory appears to be part of next door's house more than Whistling Green's. Given the visual impression, and the fact that the majority of surrounding cottages also have red pan tile roofs; the proposed slate grey roof sitting adjacent to a red clay tile roof would contrast and stand out to the visual detriment of the street.

- 5.5 In an AONB and Conservation Area the use of uPVC materials for window frames and structures is commonly regarded to be of poor design quality that is likely to cause harm to the character and appearance of the place, especially when replacing a more traditional material like timber; as is the case of this proposal, and for that reason is unacceptable because it would detract from the traditional design of the area.
- 5.6 The Georgian details to the front window match the host property and are acceptable. However, the chunkier framed side windows lack Georgian feature or any detail which follow the either the host property or its neighbours, and is for that reason unacceptable because they would also detract from the set traditional design of the area.
- 5.7 The majority of the window frames on the street; if not them all are coloured white. The proposed anthracite grey coloured window frames for the three street facing (south) windows would be contrary to the standard making them unacceptable because this would fail to follow local traditions and detract from the appearance of the street.

Impact of development to the amenity of adjoining properties

- 5.8 The LDF Policies CP1 and DP1 and as explained the Domestic Extensions Supplementary Planning Documents seeks to ensure that developments do not result in harm to the amenity of neighbours. The replacement conservatory for an orangery creates no new windows to overlook neighbours, cast a shadow over their gardens and properties, or obstruct their views. The installation of a solid roof covering in place of the transparent sheeting would reduce the potential for light spillage or reflection from the surface of the roof. These may be of benefit to neighbours. The proposal should have no significant impact upon the amenity of its neighbours.
- 5.9 As noted at paragraph 2.2 a similar proposal (18/01014/FUL) was rejected in September of this year
- 5.10 The current application proposal is, 'to erect an upstairs orangery with composite pewter grey roof tiles, and double glazed anthracite grey uPVC window frames.'
- 5.11 The only difference between the two proposals is the white window frames are now being substituted for anthracite grey coloured ones instead which, as set out above, is a step back.
- 5.12 Except for the Georgian front windows; this new application has made no attempts to address the reasons for its previous refusal, namely the material and colour of the orangery roof and the use of uPVC for the windows and no additional detail has been supplied to provide any greater clarity of the detail construction or matters such as the mouldings to be used for the windows frames.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons
1. In the absence of details to prove to the contrary and on the basis of the submitted details indicating the choice of grey composite tile and use of uPVC materials for its framework, the scheme would harm the appearance of the street, Conservation Area and Howardian Hills AONB and is, therefore, in breach of Policy CP1, DP1, CP16, DP28, CP17, DP32 and Domestic Extension SPD of the Local Development Framework and the NPPF.

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Parish: Easingwold
Ward: Easingwold
6

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21st September 2018

18/01120/REM

**Application for approval of reserved matters (scale/appearance/landscape and layout) following outline planning permission - 17/02409/OUT on 12 January 2018 - construction of an attached dwelling with an integral garage and two vehicular access At Wayside, 1 Oulston Road, Easingwold
For Mr Andrew Tooze**

This application is referred to Planning Committee at the request of Members of the Council. Furthermore, the outline approval was decided by Planning Committee.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site of Wayside, 1 Oulston Road is one of a pair of semi-detached dwellings on the eastern side of the street. The plot has vehicular access to the front with a driveway to the side of the house leading to the detached single garage of 1 Oulston Road. The property is the first of two pairs of semi-detached dwellings of a similar style to the north of the site, to the south of the site is a detached bungalow with attached flat roof garage to side known as Richmondgarth.
- 1.2 The site is adjacent to but not within the Easingwold Conservation Area, which encompasses a small number of properties on the western side of the street. The street has a suburban residential character with some mature trees opposite the application site; however there are no trees within the application site.
- 1.3 The principle of development for one attached dwelling and the access to the site were agreed as part of the outline application. The matters for approval at this stage are scale, appearance, landscaping and layout.
- 1.4 Changes have been made throughout the course of the application. These include having a first floor brick link between the existing dwelling 1 Oulston Road and the proposed dwelling. The roof form of the dwelling has also been changed to incorporate a hipped roof. This would be used as storage space for the new dwelling accessed through a bedroom. An integral garage and bay windows are proposed to the front of the dwelling.
- 1.5 The dwelling is shown to be constructed from brick, with natural red clay pantiles. The windows are to be white uPVC, with a composite front door and black uPVC rainwater goods. There is shown to be a canopy over the front door. A single storey rear off shoot to serve as a kitchen is also shown.
- 1.6 The agent has stated the following with regard to the revised scheme:

"We are striving to create a design for a house which will fit in with the general character of the mix of houses in this part of Oulston Road. We have tried to reflect the appearance of the two pairs of hipped roofed houses to the north, and the recently built detached houses opposite. Aware of concerns expressed by neighbours, we are trying to keep the height of the new house to the absolute minimum.

Taking into consideration your comments about the necessary link between the new house and 1 Oulston Road, I now show a brick first floor section between the two houses. This will provide a strong physical link between the buildings, yet will minimise the loss of light to existing windows in the southern wall of 1 Oulston Road. It will not involve any alteration to the roof of the existing house, meaning that its particular character will not be jeopardised.

This amended scheme includes a substantial masonry link between the houses, minimises the impact on the amenities of 1 Oulston Road, fits reasonably well with the mix of buildings in the area, and largely dispels the objections of neighbours.”

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 17/01260/OUT - Planning permission refused 12.10.2017 - Construction of a detached dwelling with associated garage and access. The reasons for refusal were:

1. The proposal would result in over development of the site resulting in a loss to the quality of the residential environment. The development would give a cramped appearance to the surroundings in contrast to the context of the site that has a relatively wide spacing of dwellings. The proposal is therefore contrary to the Local Development Framework Policies CP1, CP17 and DP32.
2. The parking arrangements on the site are considered to be likely to give rise to on-street parking and parking on the frontage of the proposed and existing dwelling that would harm the uncluttered appearance of the street contrary to the Local Development Framework Policies CP1, CP2, DP3 and DP4, CP17 and DP32.

2.2 17/02409/OUT - Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points; Approved 12.01.2018.

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 DP8 - 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
National Planning Policy Framework (NPPF) – published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – wishes to see the application refused as it does not meet the requirements of the outline planning permission and it is an overdevelopment of the site which has 2 semi-detached houses already.

- 4.2 Highway Authority – no objection, subject to conditions regarding discharge of surface water, private access construction requirements, parking for dwellings, precautions to prevent mud on the highway and on-site parking, on-site storage and construction traffic during development.
- 4.3 Yorkshire Water - Company records indicate a public sewer crosses the red line site boundary. The presence of the main may affect the layout of the site and therefore I consider it to be a material consideration in the determination of this application.
- 4.4 Public comments – 10 letters of objection have been received regarding both the initial 21 day consultation and the 10 day re-consultation. It should be noted that a number of the objections are multiple submissions. A summary of their objections are as follows:
- The plans submitted show what is in effect a detached house, squashed onto a totally inadequate site and constituting over-development of the worst kind.
 - If there is going to be an adjoining dwelling without damaging the street scene too much, it should be accommodated under a roof extension of the existing villas and thereby integrated with the existing buildings.
 - It is important to ensure that the external appearance of the development is compatible with the immediate surroundings on the site by creating a terrace to continue the hipped roof and level frontage of the semi-detached villa it is attached to.
 - As the owner of the adjoining property, 2 Oulston Road, I have grave concerns to the proposed development of this plot, with particular regards to the idea of an adjoining property, on what can only be described as the tightest of possible plots. I must counter the comments raised by others that this proposed dwelling must form a totally attached addition to the existing dwelling, as this would create a totally unacceptable and unsightly terrace block, which would have adverse effects on the current street scene, and value of my adjoining property.
 - The detailed parking proposals now presented stand in stark contrast to this picture. Additional parking is proposed on the former Number 1 Oulston Road site at the direct cost of front garden space, entailing two adjacent road accesses in place of the previous single access. The unavoidable impact here, exacerbated by the access of Richmond Garth, only 7 metres away, is a significant harm to the appearance and quality of the street environment through parking clutter.
 - The joining of the adjacent hipped roofs in the gutter formation would look quite incongruous in the street scene, with the new building giving the distinct impression that it was trying to be a separate building but had somehow slipped and ended up with its roof leaning against the adjacent semi-detached house.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) design; (ii) residential amenity; (iii) heritage assets; (iv) access and highway safety; (v) drainage

Design

- 5.2 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."
- 5.3 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.

- 5.4 Consideration should be given to the outline planning approval. The indicative submitted plans as part of the outline approval (17/02409/OUT) suggested that the attachment of the proposed dwelling was at full height to the host dwelling as the plans showed a continuation of the roof form.
- 5.5 The attachment as part of this reserved matters application is a first floor brick link between the existing dwelling 1 Oulston Road and proposed dwelling. This would be used as storage space for the new dwelling. This is set back from the host dwelling.
- 5.6 This first floor link is not considered to have the degree of attachment that officers and members understood would be the case as part of the outline approval or required to achieved the 'linked' appearance that is required to make the scheme acceptable.
- 5.7 It is acknowledged that design changes have been made to the scheme, including a hipped roof form which is more in keeping with the street scene. The eaves line is lower than the existing dwelling but appears to sit at odds with the host dwelling. The building line of the proposed dwelling also sits 0.5 metres forward from the host dwelling.
- 5.8 It is considered that the proposal will result in over development of the site resulting in a loss to the quality of the residential environment. The development would give a cramped appearance to the surroundings in contrast to the context of the site that has a relatively wide spacing of dwellings.
- 5.9 The reserved matters has not been brought forward in a way that was suggested at outline, with the description of the outline being "*Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points*". Whilst there is a degree of attachment through a first floor brick link, this is considered to be an insufficient attachment. The proposed dwelling would be read as a detached dwelling due to its projecting building line, the roof form being 'detached' from the host dwelling and the link sitting back from the host dwelling. The resulting development would appear 'disjointed' and not respecting the local context that does not pay due regard to the requirement for high quality detailing and is therefore contrary to LDF Policies CP17 and DP32.

Residential amenity

- 5.10 The plot that the host dwelling occupies is substantial with a generous rear garden and wide side garden, being the first of a run of four semi-detached properties the application plot has a notably wider side garden than those between the properties to the north. The variety in house types in the vicinity are reflected in a variety of plot sizes and forms, as such there is not a uniformly characteristic plot size or layout that could be said to define the street other than that the properties are within spacious gardens. Subdivision and the introduction of an additional dwelling would not as a matter of principle be detrimental to the character of the area, it is on this basis that outline approval has been given.
- 5.11 While the plot enjoyed by 1 Oulston Road at present would be evidently altered, parking and private amenity space would still be afforded for both the existing and proposed property.
- 5.12 It was acknowledged as part of the outline approval that the space available within the site is sufficient for an additional attached dwelling to be accommodated while still

achieving necessary separation distances in order to protect privacy and prevent overlooking.

- 5.13 However, the degree of attachment as part of this reserved matters application is limited and this has resulted in a dwelling being positioned closer to the southern boundary of the site and therefore closer towards the dwelling of Richmondgarth. There would be two south facing windows, one serving the sitting room at ground floor level and one serving an en-suite at first floor level. These can be conditioned to be obscure glazed and thereby overcomes any significant harm to the amenity of neighbours.

Heritage assets

- 5.14 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 Easingwold Conservation Area.
- 5.15 On assessment of the application it is considered that it would not lead to harm to heritage assets. The site is not within the Easingwold Conservation Area, but rather the boundary of the conservation area encompasses the Edwardian terrace of properties on the western side of Oulston Road. Those properties are identified in the Conservation Area appraisal as fine examples of their type, however the appraisal goes on to describe the remainder of Oulston Road as being later 20th Century suburban developments in very different in character to the Conservation Area. This assessment makes clear this is the reason the remainder of Oulston Road is not included in the Conservation Area.
- 5.16 The proposed development would be in keeping with the suburban form of Oulston Road and would not therefore diminish the character or appearance of the Conservation Area.

Access and highway safety

- 5.17 The assessment of the Highway Authority is that a suitable vehicular access from Oulston Road to serve both properties can be achieved along with sufficient parking arrangements made within the two plots. On that basis no objections have been raised subject to conditions.
- 5.18 While acknowledging that the existing arrangement for the semi-detached properties in the street is driveways to the side with detached garages set towards the rear, this is not uniform throughout the street. Some properties are served by attached garages with parking area to the front; others do not have dedicated in-curtilage parking provision. Parking provision within front gardens is apparent within the locality and would adequately serve the proposed dwellings.
- 5.19 In light of the above, it is considered that the proposal would cause harm the appearance of the locality due to the poor design.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal would have a cramped appearance to the surroundings in contrast to the context of the site that has a relatively wide spacing of dwellings. The reserved matters has not been brought forward in a way that was suggested at outline, with the description for the outline being "*Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points*". The

degree of attachment through a first floor brick link, is considered to be an insufficient attachment and the proposed dwelling would be read as a detached dwelling due to its projecting building line, roof form being 'detached' from the host dwelling and the link sitting back from the host dwelling would give a 'disjointed' appearance. This would cause significant harm to the built environment, the scheme does not respect the local context and does not pay due regard to the requirement for high quality detailing and is contrary to the Hambleton Local Development Framework Policies CP1, CP17 and DP32 and the National Planning Policy Framework.

Parish: Easingwold
Ward: Easingwold
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Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 26th September 2018

18/01609/FUL

**Retrospective change of use to residential
At Annexe to rear of 97 Long Street, Easingwold
For Ms Jessica Lane**

This application is referred to Planning Committee as the internal floor space of the residential unit falls below the National Described Space Standards

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies on the western side of Long Street within the Development Limits of Easingwold and within the Easingwold Conservation Area. The building is located to the rear of 97-99 Long Street that operates as a coffee shop. It has been suggested by the applicant that the building was used as the staff room for the Coop that operated some years ago from 97-99 Long Street.
- 1.2 The building that is the subject of this application is a single storey brick built building (now painted cream), with a slate roof. There are 3 north facing timber windows that serve the bedroom, kitchen and living area. There is a single door that directly accesses the living room. The internal floor space of the building equates to 31.09 square metres.
- 1.3 The applicant has stated that the drainage was already in place in the building for the bathroom and kitchen when she took it over in 1997. The works that have taken place to upgrade the building so it is able to function as permanent residential dwelling include upgrading the kitchen and shower room and the electric radiators. No external changes have been made.
- 1.4 There is bin storage, cycle storage and a washing line located in shared external area to the east of the building. There is also a small external store that adjoins the shower room and a picnic style bench located outside of the building. It has been suggested by the applicant that the small external store could be used to house a washing machine. The floor area of this space is 4 square metres, so combined with the internal floor space of the building this would total 35.09 square metres.
- 1.5 Access to the building is via a vehicular and pedestrian access off Long Street, under a covered archway that has a gate.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

The main building that fronts Long Street (97-99 Long Street)

- 2.1 14/00210/FUL - Change of use of shop to restaurant; Granted 29.09.2014
- 2.2 There is no planning history relating to the application site.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP8 - Development Limits
 Development Policy DP13 - Achieving and maintaining the right mix of housing
 Development Policy DP28 – Conservation
 Development Policy DP32 - General design
 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 approved.
- 4.2 Public comments – no comments received to date.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site is located within the Development Limits of Easingwold. Easingwold is classified as a Principal Service Centre within the Settlement Hierarchy. Policy DP8 (Development limits) states that permission for residential development will be granted within the settlement Development Limits, provided that the proposal is consistent with other LDF policies. The proposal can therefore take support from the Development Plan for the principle of an additional residential unit.
- 5.3 Consideration needs to be given to the fact that internal floor space of the residential unit falls below the National Described Space Standards. The internal floor space of the building is 31.09 square metres. The building comprises of a shower room (with toilet), living room, kitchen, bedroom (with a double bed) and an open wardrobe. The building also has an external store of 4 square metres such that the total floor area would be 35.09 square metres. The unit is currently occupied by a single person.
- 5.4 The National Described Space standards state that a one bedroom, one person unit should be 37 square metres (where there is a shower room and not a bathroom with a bath). Provision should also be given for built in storage of 1 square metre. A one bedroom two person unit should be 50 square metres, with 2.5 square metres for built in storage. The unit does have a double bed, but is currently occupied by a single person at this moment in time. This could change in the future and the unit could accommodate two people.
- 5.5 It is evident that the dwelling is functioning as a permanent dwelling for a single occupant and has all the rooms and facilities for a permanent residential dwelling. The size of the dwelling falls below the National Described Space Standards by about 1 square metre when occupied for a single person, but consideration should be given to the site specific issues in this case and that the layout of the unit is efficient, no space is lost to an entrance lobby, hallway or staircase.

- 5.6 The dwelling is located within the Market Town of Easingwold and is considered to be a sustainable location for residential development. Consideration should also be given to the amenity of the occupier of the residential dwelling which will now be considered.

Residential amenity

- 5.7 Each room has a window that faces into an open courtyard area. There is a vehicular access that runs to the dwelling of 95a Long Street. The dwelling is located to the rear of a coffee shop. There are other dwellings in the locality that are located closer to the coffee shop. There is space for the occupier of the dwelling to sit outside, hang washing out and have bin storage. It is considered that in this particular case, the proposal does not result in inadequate living conditions for the occupier and will provide adequate amenity. Furthermore, the windows do not directly overlook another residential dwelling and it is therefore considered that the proposal will not harm neighbouring amenity.

Heritage assets

- 5.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Easingwold Conservation Area.
- 5.9 There are no external alterations to the building and the building has been in situ for some years. It has a traditional slate roof, painted cream brick walls and timber painted windows. It is considered that the proposal will not cause harm the designated heritage asset of the Easingwold Conservation.

Highways

- 5.10 The proposal does not provide an on-site car parking space. However, the site is located within an area where on street car parking is available (Long Street). There is space within the site for cycle storage and it is considered that with the unit only having one bedroom and located within the heart of a Market Town, there is no requirement to provide on site car parking provision.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below unless otherwise approved in writing by the Local Planning Authority. Location Plan date stamped 1st August 2018, In red floor plan date stamped 1st August 2018, Existing and Proposed Elevations 1:50 date stamped 1st August 2018.
 2. The dwelling shall not be occupied by more than 1 person.

The reasons are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with LDF Policies CP17 and DP32.
2. To ensure that property provides an appropriate level of amenity for the future occupier and that the level of occupation of the unit does not result in the dwelling

being unduly cramped and significantly in breach of the terms of the Nationally Described Space Standards.

Parish: Great and Little Broughton
Ward: Stokesley
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Committee date: 15 November 2018
Officer dealing: Ms Aisling O'Driscoll
Target date: 23 March 2018

17/02137/FUL

Change of use of an existing building and proposed extension to form independent dwelling to replace existing residential caravan
At OS Field 1961, Broughton Grange, High Street, Great Broughton
For Mr Billy Foster

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 at the southern edge of Great Broughton. It is located to the front of an enclave of barns, which have been converted into three dwellings. The dwellings are served by an access off the High Street. This access also serves the application site, with a separate drive extending past a paddock.
- 1.2 The site currently accommodates a chalet lodge, a touring caravan and a large amenity building constructed of stone and pantiles. The amenity building actually accommodates two bedrooms, a living room, bathroom and kitchen. Planning permission was originally granted at appeal in 2006 for the site to be used as a gypsy and traveller site. The permission granted was a temporary and personal one to the current applicants.
- 1.3 Located to the south of the site is an L-shaped, grade II listed building, which accommodates two dwellings. Located approximately to the south and west is the open countryside, with views of the North York Moors National Park approximately 1.5km to the south.
- 1.4 Planning permission was recently granted for the development of 26 dwellings on land to the north of the site. The approved layout will see new dwellings located close to the northern boundary of the application site. Work commenced on the development earlier this year.
- 1.5 The proposal is to extend the amenity building and effectively remove the restriction on the occupancy of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00195/FUL - Change of use of land from agricultural to the keeping of horses and construction of a stable; Granted 25 April 2006.
- 2.2 06/02005/FUL - Change of use from agricultural land to gypsy site for one family; Refused 16 November 2006, Appeal Allowed 16 November 2007.

In allowing the appeal, the Inspector restricted the permission to the appellant and his family. The reason was that the occupancy of the site by other persons, could lead to harm to the visual amenity of the countryside. For technical reasons the Planning Inspector achieved this by granting a temporary and personal consent which effectively expires on the applicant vacating the premises, abandoning the use and securing restoration of the land to its previous condition.

- 2.3 09/02458/FUL - Single storey utility building; Granted 16 October 2009.

- 2.4 12/00911/FUL - Retrospective application for the change of use of land from single family gypsy site and alterations to amenity building to form a dwelling; Refused 20 January 2014.
- 2.5 15/02375/MRC - Variation of conditions 2, 3 and 4 (to retain the height of building as built, retain internal alterations, retain use of garage as ancillary habitable accommodation with glazed doors and use of bedroom as a store) of planning permission 09/02458/FUL; Granted 17 February 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 – Development limits
Development Policy DP9 – Development outside development limits
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP14 – Gypsies and travellers' sites
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Development Policy DP43 – Flooding and floodplains
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Planning Policy for Traveller Sites – updated 31 August 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – The Parish Council has strong objections to this application. One of the main ones being that there is a strong history of abuse of planning rules on this supposed gypsy site.
- 4.2 Environment Agency - No objection; the Flood Map for planning shows the north west corner of the site lies within Flood Zones 2 and 3, the medium and high probability zones but the application would remove a residential caravan from Flood Zone 3. The development will only meet the requirements of the National Planning Policy Framework if the mitigation measures detailed in the submitted Flood Risk Assessment are implemented and secured by way of a planning condition.
- 4.3 Natural England – No comment.
- 4.4 Northumbrian Water – No comment.
- 4.5 Public comments - One objection making the following comments:
- The property is already noisy;

- Concern that a static caravan should not provide justification for a house; and
- Concerns over parking in the High Street.

Two letters of support and a petition with five signatures making the following comments:

- Current constraints of the site seem unfair; and
- It is a better alternative to the caravan. It would be better for everyone if the caravan is removed.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development, including the loss of the traveller site; (ii) the impact on the character and appearance of the area; and (iii) the impact on the nearby grade II listed building.

Principle

- 5.2 The primary issue is considered to be the loss of the traveller site. The site was approved at appeal on a personal and temporary basis (temporary in as much as it relates to the duration of the applicant's occupation of the site) with a condition preventing occupation by persons other than gypsies as defined in paragraph 15 of ODPM Circular 01/2006 (replaced by Planning Policy for Traveller Sites in March 2012).
- 5.3 The result of this permission is that should the family currently occupying the site permanently leave it, the permission would lapse and no other gypsy or traveller family could occupy the site.
- 5.4 At the time of the approval there was a significant need for gypsy and traveller sites within the District. On assessment of the current need, in accordance with the revised definition of gypsies and travellers in the updated Planning Policy for Traveller Sites the identified need is only 1 unit up to 2021.
- 5.5 It is considered that the need for gypsy and traveller sites in the District has materially changed as a result of the revised definition in the 2015 update to Planning Policy for Traveller Sites and as such the 2012 refusal is considered to have less weight in the determination of the application.
- 5.6 Policy DP14 supports the provision of gypsy and traveller sites in appropriate locations and sets out a number of criteria for such developments. However, it is noted that the policy does not offer protection for existing sites, explicitly.
- 5.7 The site is outside the Development Limits of Great Broughton. 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) published in March 2012. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. 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."

- 5.8 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.9 When the appeal was allowed, the site and nearby cluster of development had a freestanding character and was physically and visually detached from the main built up part of Great Broughton. However, this will change following the completion of the development of 26 dwellings on land to the north. This will result in the site being adjacent to the main built form of the settlement and allows the view to be formed that the development can benefit from the IPG.
- 5.10 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.
- 5.11 In the Settlement Hierarchy reproduced in the IPG, Great Broughton is identified as a Service Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.12 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. The scale of development is considered to be acceptable in this respect being only for a single dwelling.
- 5.13 It is also important to consider the loss of the gypsy and traveller site. There is concern over the loss of an existing gypsy and traveller plot, bearing in mind that there have been several recent applications and appeals in the Stokesley sub-area for additional gypsy and traveller sites, particularly private owned sites in the countryside. This concern is in part negated by the personal nature of the existing consent (see paragraph 2.2), meaning that it can only be occupied by the applicant (Mr Foster), his wife or the survivor of them and their dependants for the time being living with them. If the site was not occupied by the applicant, it would not become available to another gypsy or traveller. The Council therefore has little control over the loss of the site and no ability in this case to preserve it as such. However, the site plainly provides accommodation for an existing family who previously identified as complying with the then gypsy and traveller definition.
- 5.14 Notwithstanding the Council's position in respect to the identified need for gypsy and traveller sites, recent decisions at Tame Bridge have highlighted an area of risk in terms of unaccounted for need for Gypsy and Traveller sites as demonstrated by two

recent cases where planning permission was granted at appeal in Tame Bridge. This effectively raises the risk that the applicant gains planning permission for the development of this site and subsequently seeks a new gypsy and traveller site elsewhere, contributing to the unidentified need for new site.

- 5.15 The applicant has stated repeatedly that it is their intention to occupy this site and not to sell and move to another site. However, the Local Planning Authority has no direct control in this sense and there remains a risk in these terms.

Character and appearance

- 5.16 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.17 The site already accommodates residential development. This includes a substantial permanent amenity building. Since its original permission, it has been altered, and has the appearance of a dwelling, similar to the dwellings to the west of the site. Its siting is a little at odds with the more historic converted farm buildings. However its materials are generally in keeping, which help to integrate the building into its setting.
- 5.18 The site already has an established residential curtilage, which would not change. The chalet lodge would be removed. Its existence is currently at odds with its setting and does cause harm to the character and appearance of the area. Therefore its removal would be welcomed.
- 5.19 The fact that there is an existing permanent structure, which would retain the same character and appearance, would allow the proposal to comply with criteria 3 and 4 in that the development would not have a detrimental impact on the natural, built and historic environment or on the open character and appearance of the surrounding countryside.
- 5.20 The proposed extension mirrors the feature on the opposite end of the building, creating a cross wing projection. Whilst it would result in a generous increase to the size of the structure, its overall scale and appearance would not be significantly altered and would not result in harm to the character and appearance of the site or surrounding area.

Heritage

- 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 In this instance the key heritage consideration relates to the setting of the Grade II listed barn conversion. As set out above, the impact from the proposal would not be significant. A positive impact has also been identified in respect of the removal of the chalet lodge. Therefore the proposed development would not result in any harm to the significance of heritage assets, including their setting.

Planning Balance

- 5.23 It is considered that this is a relatively finely balanced matter weighing the benefits of the provision of a new dwelling under the Interim Policy Guidance against the loss of a gypsy and traveller site and the potential implications that this has.

- 5.24 It is concluded that, following appeal decisions at Tame Bridge the risks raised by the loss of the gypsy and traveller site outweigh the benefits of the proposals and as such the application is recommended for refusal.

6.0 RECOMMENDATION

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

- 6.2 No evidence has been supplied to show that the planning condition that restricts occupancy of the site has outlived its usefulness. There is on-going demand for gypsy and traveller sites within the area as evidenced by applications for new single family gypsy and traveller sites. The application site provides a single family gypsy and traveller site and therefore helps to meet the demand for such sites in the area.

The proposed development if approved would result in the loss of a gypsy and traveller site, and may result in additional pressure for further single family gypsy and traveller sites in the area.

The applicant has not satisfactorily demonstrated that they no longer comply with the definition of gypsy or traveller and as such the loss of the application site to the gypsy and traveller community may result in an increase in need for gypsy and traveller sites including the needs of the applicant in the area.

Loss of the application site for use as a gypsy and traveller site, that gained approval due to the exceptional circumstances of the need for gypsy and traveller accommodation, that may trigger a further need for a gypsy and traveller site would represent an abuse of the planning system and bring the planning system in to disrepute.

Parish: Hornby
Ward: Appleton Wiske & Smeatons
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Committee Date: 15 November 2018
Officer dealing: Mrs H Laws
Target Date: 29 November 2018

18/02135/OUT

Outline application for the construction of one dwelling with some matters reserved (access included).

At: Land west of The Paddocks, Hornby

For: Mr M Morrison

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western edge of the village on the southern side of the road leading into the village from Great Smeaton. The Hornby Conservation Area lies to the east and north east of the application site but does not form a boundary with the site.
- 1.2 The site covers an area of 0.2 hectares with a frontage onto the village street of approximately 24m and a depth of approximately 100m. The land is currently a paddock area. A mature hedgerow forms the boundary of the site with the highway; an access driveway lies to either side of the site, serving separate properties (The Old Mill to the east and Grange Farm to the west), and a landscaped boundary with The Old Mill to the rear.
- 1.3 The site lies immediately to the west of an existing detached dwelling, known as The Paddocks. On the opposite side of the main village street from the application site lies a detached dwelling known as Field View House. Planning permission was granted, but to date not implemented, for a single dwelling on the northern side of the road (17/01800/REM) directly opposite the application site.
- 1.4 It is proposed to construct a detached dwelling on the site. The application is in outline with access included as a matter for consideration at this stage. The remaining matters, i.e. layout, appearance, landscaping and scale would be for a later application if this is approved. An illustrative drawing and layout plan have been submitted, which shows a detached two storey dormer style dwelling, set back in line with The Paddocks, served by the existing driveway at the western side of the site.
- 1.5 It is proposed to retain the existing boundary hedge to the front with new timber fencing installed along the side boundaries.

2.0 PLANNING & 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;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 31/10/2018)
- 4.2 NYCC Highways - no objections subject to conditions
- 4.3 Northumbrian Water - no comments
- 4.4 Publicity – no comments received (expiry date for representations 19/11/2018)

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 of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the effect on the Conservation Area; (iv) the impact on the amenity of neighbouring occupiers; and (v) highway safety.

The principle of development

- 5.2 The village of Hornby does not have any Development Limits, recognising its relatively small size. LDF Policy DP9 states that development will only be granted for development beyond Development Limits “in exceptional circumstances”. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. 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.”

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

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

5.5 In the IPG, Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.

5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km respectively. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Hornby can be viewed as an example of a cluster village with Great Smeaton. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character of the village and surrounding countryside

5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that 5 dwellings would be appropriate in every settlement. In this instance a single dwelling is proposed, which must be considered cumulatively with the planning permissions recently granted for other dwellings in this part of the village. Permission has been granted for a dwelling opposite the site and permission for two further dwellings; one on either side of the road leading into the village from the north. This brings the total dwellings approved under the IPG in this part of the village to three. However, the overall scale is still considered to accord with the requirements of the IPG. There is also a further approved development for 3 dwellings in the eastern part of the village but this is not viewed in the same context. The dwelling now proposed lies immediately adjacent to and opposite existing (and approved) dwellings and therefore would not overwhelm the form and character of the village.

5.8 With regard to the impact on the rural landscape, the site has much in character with the village due to its proximity to existing dwellings. The existing hedgerow, to the road frontage would be retained together with additional landscaping, which would help to provide a soft but definitive boundary between the village and the countryside beyond. It is considered that the development would not adversely affect the open rural character of the surrounding countryside.

Conservation Area

5.9 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 Hornby Conservation Area when deciding this application.

- 5.10 The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the main road passing through the village. Therefore the introduction of an additional dwelling adjacent to the Conservation Area would preserve the existing character of the Conservation Area, subject to the assessment of the eventual design to be considered at the Reserved Matters stage.

Residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The main impact to consider is in relation to the occupiers of the adjacent dwelling, The Paddocks, to the east.
- 5.12 The position of the site is such that it would allow for a design that can achieve satisfactory levels of separation and avoid overlooking. The effects of the proposed dwelling on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing impact on the residents of The Paddocks.
- 5.13 The site lies far enough from the dwellings on the opposite side of the road for there to be no impact on the amenity of those residents. The proposed development would not therefore be contrary to LDF Policy DP1.

Highway matters

- 5.14 It is proposed to use the existing access and driveway at the western side of the site. The access currently serves farm buildings to the south. The access currently achieves the required visibility and there would be no objections to its use by an additional dwelling.
- 5.15 It is considered that a safe access can be achieved and the Highway Authority has raised no objections subject to conditions.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application 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 dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No above ground construction work shall be undertaken until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment for that dwelling has been implemented in accordance with the approved details and thereafter retained.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) vehicular accesses;
 - (ii) vehicular parking; and
 - (iii) vehicular manoeuvring and turning arrangements.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number HC-14a have been constructed and are available for use, unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

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

10. The outline permission for development hereby approved is for a single dwelling only.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered P03 received by Hambleton District Council on 4 October 2018 unless otherwise approved in writing by the Local Planning Authority.

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 reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP21 and DP43.
7. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. In order that the scale of development is acceptable and to accord with the requirements of development policy DP32 and the Council's Interim Policy Guidance.

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

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.
In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.
If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.
Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

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Parish: Huby
Ward: Huby
10

Committee date: 15 November 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 19 November 2018

18/01175/OUT

Outline application (all matters reserved) for the construction of 5no. dwellings
At: OS Field 4442, Easingwold Road, Huby
For: Mr Steve Chapman

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a rough rectangular shaped plot of approximately 0.34 hectares and currently forms part of a larger agricultural field. It is located on the west side of Easingwold Road, to the northern edge of Huby village.
- 1.2 The site is open in character and there are few physical features other than a hedgerow to the front, beyond the site to west and north are open fields. On the opposite side of the highway there residential properties, to the south is large Oak tree along the boundary beyond which is an access land with a public right of way beyond which is a residential site that previously contain a dwelling and has full planning permission (17/01088/FUL) for the erection of two dwellings.
- 1.3 This application seeks outline consent to construct five dwellings on the site. Permission is sought for the principle of development only with all matters being reserved for consideration at the reserved matters stage should this application be approved. The applicant has however indicated the proposed mix would be a 2 bedroom bungalow, two detached 4 bedroom properties and a pair of 3 bedroom semi-detached properties.
- 1.4 Improvements have been secured as follows; the scheme has been reduced from a scheme of 9 dwellings to 5 dwellings with a corresponding reduction in site area from 0.69 hectares to 0.34 hectares due to concerns over the impact on the open countryside and the proposals forming a ribbon of development. The revisions also include a level of landscaping aimed at mitigating the impact and improving the overall appearance of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site has no planning or enforcement history relevant to this application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy 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
National Planning Policy Framework - published July 2018
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Strongly objects due to highway safety issues, further exceedance of the village development limits, newts and bats on the site and sewage and surface water infrastructure being insufficient.
- 4.2 Highway Authority – There have been no recorded accidents in the vicinity of the site. Each of the accesses shown on the proposed site plan have been assessed and adequate visibility splays are already available. There are no highways grounds to recommend refusal of this application. Conditions recommended.
- 4.3 Corporate Facilities Manager (Drainage) - The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency.

The applicant has stated that they will use a sustainable drainage system with soakaways for surface water disposal. This is proposed without the benefit of a percolation test, so the applicant cannot be certain that soakaways will be appropriate. The design of the surface water system can be conditioned so design and layout is approved prior to work commencing on site. The applicant will have to provide details of future maintenance arrangements for the lifetime of the development and include design measures to ensure that flood risk is not increased elsewhere.

I note that there are consultation responses indicating that there is flooding in the field, the applicant should make enquiries with the owner to ensure that if the flood risk exists it is managed so that the development itself is not subject to flooding and that the flooding is not displaced elsewhere.

Consultation responses make reference to foul sewer discharges and flooding, Yorkshire Water are under a duty to provide a satisfactory means of disposal of domestic foul sewage. YWS has not indicated insufficient capacity of the foul public sewerage system.

- 4.4 Yorkshire Water – no objections subject to conditions
- 4.5 Public Rights of Way – ‘informative’ required as there is a public right of way adjacent to make sure this is unaffected by the development.
- 4.6 NYCC Archaeology – A geophysical survey has been completed, given the negative results of the survey and the relatively small scale of the development it is unlikely there will be significant harm to heritage assets of archaeological interest. No objection to the proposal.

- 4.7 Local Lead Flood Authority – no objections subject to conditions
- 4.8 Internal Drainage Board – conditions/informatives required
- 4.9 Environmental Health - This service has considered the above application and based on the information provided we believe there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections.
- 4.10 Public comments – objections have been received from 12 people with some people objecting twice to both the original and amended scheme. Concerns raised are;
- speed of traffic, access issues and risk of accident
 - increased traffic
 - flooding, drainage and flood risk issues
 - pressure on sewage system and other infrastructure
 - loss of farmland
 - site is outside the Development Limits
 - need lower cost housing
 - Insufficient neighbours consulted
 - potential for overlooking
 - could set a precedent for future developments on agricultural land
 - local school is oversubscribed
 - detrimental impact on the open character and appearance of the surrounding countryside
 - should be 50% affordable housing
 - impact on ecology/protected species

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) character and visual amenity (iii) residential amenity (iv) flooding and drainage; (v) highway safety; and (vi) ecology.

Principle of development

- 5.2 The site falls outside of Development Limits of Huby, Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas,

housing should be located where it will enhance or maintain the vitality of rural communities."

- 5.3 To ensure appropriate 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. 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
- 5.4 In the 2014 Settlement Hierarchy contained within the IPG, Huby is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. The site is located adjacent to the Development Limits of the village. The village itself provides a number of services which the proposal would be positioned to support.

Character and visual amenity

- 5.5 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 The National Planning Policy Framework 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.
- 5.8 With regard to the IPG, the development of 5 dwellings is identified as what will normally be the limit to what may be small in scale. The application site is immediately adjacent to the Development Limits of the village and would reflect an

extension to the existing built form with properties fronting Easingwold Road. There are existing properties on the opposite side of the road, the proposal is for a linear development form and the main character of the village is linear development, with dwellings being one plot deep. The proposal is considered to satisfy criterion 2 of the IPG in that it is small scale development adjacent to the main built form and would represent incremental and organic growth.

- 5.9 With regard to criterion 3 of the IPG, the original proposal for 9 dwellings was considered to result in an unacceptably large development that would have a significant impact on the appearance of the edge of the village. The reduction in scale reduces this concern whilst also providing a smaller scale development that complies with criterion 2 of the IPG. The proposal is a linear form of development which is consistent with the predominant character of the village. It is considered this proposal is more in keeping with the form and layout of housing in the locality and satisfies criterion 3 of the IPG.
- 5.10 The development of 9 dwellings was also considered to have an unacceptable impact on the open and rural character of the countryside. The site is currently open in nature and is in agricultural use. The removal of the northern parcel of land together with the introduction of more screen planting will reduce the impact on the open character of the surrounding countryside and the revised proposal is considered, on balance, to satisfy criterion 4 of the IPG.

Residential Amenity

- 5.11 The submitted site layout indicates that 5 dwellings of an appropriate size mix could be accommodated in the site whilst providing a satisfactory level of amenity space and spacing between properties. The scale and design of the dwellings is to be agreed and further consideration of this would be undertaken at reserved matters stage.
- 5.12 Residents have raised concern over the potential impact on the amenity of surrounding neighbouring properties. It is considered that given the location of the development there would not be any undue impact on the amenities of surrounding properties, this would be further considered at reserved matters when the scale and design of the dwellings would be known.
- 5.13 The Environmental Health Service has raised no objection and considers there will be no significant impact on the local amenity.

Flooding and Drainage

- 5.14 The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency.
- 5.15 The applicant has stated that they will use a sustainable drainage system with soakaways for surface water disposal. The design of the surface water system can be conditioned so design and layout is approved prior to work commencing on site. The applicant will have to provide details of future maintenance arrangements for the lifetime of the development and include design measures to ensure that flood risk is not increased elsewhere.
- 5.16 It is noted there are neighbour consultation responses indicating there is flooding in the field, the Council's Drainage Advisor commented localised standing surface water has been identified as a potential flood risk, this requires further investigation as part of the drainage design if the development is permitted however this can be controlled and managed through the use of appropriate conditions.

- 5.17 Comments were received relating to the capacity of the foul drain. The applicant states the foul water will be disposed of by the main sewer, Yorkshire Water are under a duty to provide a satisfactory means of disposal of domestic foul sewage and have not indicated insufficient capacity of the foul public sewerage system.

Highway safety

- 5.18 The proposed site plan indicates the development would be served by 5 separate accesses, it is however noted that access is a reserved matter and would be fully considered at that stage.
- 5.19 There are a number of objections that refer to access and highway safety concerns. The Local Highway Authority has provided comment on the proposal and raises no objections subject to conditions. There is no reason to conclude that there would be any significant residual highway safety issues as appropriate parking, turning and visibility splays can be made available and controlled by planning condition.

Ecology

- 5.20 The application is accompanied by a Preliminary Ecology Appraisal (PEA). This confirms the mature oak tree on the southern boundary of the site holds features suitable for roosting bats and its retention is recommended. The report states the tree, hedges and grass verges provide habitats for wildlife and recommends that where possible the eastern hedge should be retained however the planting of a new hedge on the western boundary would compensate for any loss. There are further recommendations regarding timing of works and ecological enhancements that can be controlled through condition.
- 5.21 Neighbour comments make reference to the presence of great crested newts and other amphibians on the site. The Ecology Appraisal states the North and East Yorkshire Ecological Data Centre (NEYEDC) provided no records of great crested newts and common amphibians within 2km of the application site. The arable farmland is considered to be unsuitable for amphibians during their terrestrial phase. As there is limited terrestrial habitat for amphibian species and there are no accessible ponds within 500m of the site the PEA considers it's highly unlikely the proposed works will impact on great crested newts. Furthermore, if newts were found on site their protection is covered by separate legislation and measures would have to be taken to protect them.

Residual matters

- 5.22 With regard to neighbour comments relating to affordable housing, it is noted the scheme is below the threshold that requires an affordable housing provision or contribution.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the Site Location Plan received on the 21st September 2018, unless otherwise approved in writing by the Local Planning Authority.
4. No development shall commence other than initial site clearance and preparatory works, 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 the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
5. The development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996).

Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

6. Construction in the relevant area(s) of the site shall not commence until the means of protecting the 6" water main laid along the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. No trees shall be planted within 5 meters of the centre line of the aforementioned water main.
7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the 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 footway shall be constructed in accordance with Standard Detail number E6.
- b. Any gates or barriers shall not be able to swing over the existing highway.
- 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.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:
 - a) Provision of a 2.0 metre wide footway across the entire site frontage.
 - b) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority
11. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority.
 - a) Provision of a 2.0 metre wide footway across the entire site frontage .
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. vehicular and pedestrian accesses
 - b. vehicular parking
 - c. vehicular turning arrangementsNo part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
13. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routing to avoid

14. The development hereby approved shall be for no more than 5 dwelling units.
15. The size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
16. 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.
17. Should further investigation be deemed necessary after completion of the Phase 1 Preliminary Risk Assessment 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.
18. 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.
19. No further development shall commence until the approved remediation scheme has been implemented.
20. 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.
21. The development hereby approved shall be carried out in accordance with the Quants Environmental Preliminary Ecological Appraisal dated April 2018 unless otherwise agreed in writing by the Local Planning Authority.
22. The mature oak tree on the southern boundary of the site shall be retained and shall not be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Any works to the tree shall be carried out in accordance with the British Standard 3998 (Tree Work).

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. 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, CP4, CP16, CP17 and DP32.

4. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with the NPPF and Development Policy DP43.
5. To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties.
6. In order to protect the public water supply and allow sufficient access for maintenance and repair work at all times
7. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network
8. In the interests of highway safety
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In order that the scale of development is acceptable, in terms of the character and appearance of the area.
15. In order to ensure an appropriate mix of new housing in accordance with Development Policy DP13.
16. To ensure safe development of the site and to protect human health and the environment.
17. To ensure safe development of the site and to protect human health and the environment
18. To ensure safe development of the site and to protect human health and the environment
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 the development does not impact on protected species in accordance with policy DP31
22. In the interest of the visual amenities of the site and as the tree provides features suitable for roosting bats

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary to the Public Bridleway adjacent to the proposed works.
2. 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.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
4. The IDB as a Consultee give the following comments/recommendations:

Our 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.

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Parish: Raskelf
Ward: Raskelf & White Horse
11

Committee date: 15 November 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 20 November 2018

18/01992/FUL

Description: Construction of 4 bungalows and associated garages and parking facilities

At: Land South of Bonny Croft, Back Lane, Raskelf

For: Mr & Mrs Peter Mandefield

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located on land to the south of Bonny Croft, a dwelling at the southern edge of Raskelf Village. The site is rectangular in shape and is approximately 0.29 hectares. The site is bounded to the north by Bonny Croft and Mini Haven. To the eastern and southern boundaries there is open land in agricultural use and to the west is Raskelf Road on opposite side of the highway is a row of terrace properties called Roedeer Cottages.
- 1.2 The site is currently grassed and open, the southern and western boundaries contain established hedgerows and some tree planting. The site rises slightly towards the north.
- 1.3 Full planning permission is sought for the construction of 4 bungalows with detached garages, the layout shows a linear arrangement with the principle elevations facing the main road. The driveways are located to the side of the dwellings with the detached garages to the rear.
- 1.4 The dwellings would be served from two access points; part of the existing hedging would be removed to allow visibility for the accesses but would be replanted in an 'set-back' location. The boundary planting elsewhere would be retained where possible.
- 1.5 The site abuts but lies outside of Development Limits. The village of Raskelf is a Secondary Village in the 2014 Settlement Hierarchy.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history considered 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 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
National Planning Policy Framework - published July 2018
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments
- 4.2 Highway Authority – There is an existing lighting column located where the access to units 1 and 2 are proposed and this will require relocation. The Local Highway Authority recommends that conditions are attached to any permission granted.
- 4.3 Yorkshire Water – Conditions required relating to use of separate drainage for foul and surface water and details of surface water drainage to be submitted.
- 4.4 Environmental Health - considered 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.
- 4.5 Contaminated Land Officer - if minded to approve conditions required to ensure further investigation.
- 4.6 Public comments – a letter of objection has been received which raises concern over highway safety, lack of parking, the amount of vehicles using the highway and also at speed, the junction in the village is dangerous in poor weather, there is no guarantee the turning areas will be used for turning, loss of privacy to Roedeer Cottages, loss of open aspect and there is no need for the development.

A letter of representation was received raising concern over the recent developments in Raskelf affecting its village character, there is a need to retain the hedging and two mature trees and the access road is busy and requires traffic calming measures.

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; (iii) design; (iv) residential amenity; (v) highway safety and (vi) drainage issues.

The principle of development

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Raskelf 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. The village itself provides a number of services which the proposal would be positioned to support.

The character of the village

- 5.6 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 four dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.7 The piece of land that is the subject of this application is located within the 30mph speed limit of the village. The dwellings would be located opposite the existing built form of dwellings at Roedeer Cottages. The dwellings would be laid out in a linear arrangement fronting the highway which reflects the pattern of development on the opposite side of the road.
- 5.8 The application site will utilise the existing southern boundary hedge together with existing planting which forms an attractive landscape feature when on approach to this part of the village from the south. The plans also indicate the three mature trees to the western boundary are to be retained, these trees are considered to be an importance landscape feature of the site and should be retained. Only 12 metres of the existing hedging along this boundary will be retained as most of the hedge will need to be removed to create visibility splays, appropriate replacement planting will be secured through condition to ensure the development provides an attractive entrance to this part of Raskelf village.

- 5.9 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village. The development is considered to be a natural extension to the existing settlement.
- 5.10 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed dwellings and the landscape features that are to be largely retained, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.11 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The application site is currently open in nature however it has a strong natural boundary along the southern boundary beyond which is open farmland. Given the location of the application site and the natural landscape boundary to the south, the proposals are considered to be a logical extension to the existing built form of Raskelf that would not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Design

- 5.12 One of Hambleton's strategic planning objectives, set out in the Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework supports this approach and, at paragraph 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."
- 5.15 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. However it is stated that following advice from a pre-application submission to this Council the scale of development has been revised to the four single storey bungalows proposed as part of this application together with re-siting of the garages and parking to the rear of the dwellings.
- 5.16 The Design and Access Statement states that Raskelf contains a wide range of architectural styles and detailing, building materials are predominantly handmade bricks, render, pantiles and concrete roof tiles but timber panelling and modern facing bricks also feature. The materials proposed include handmade bricks, heritage roof tiles and blue/black slate with timber windows which are considered appropriate.

- 5.17 The proposed dwellings would appear appropriate to the location. The applicant has stated the dwellings have been restricted to single storey as they are keen to minimise any impact on neighbouring residents and provide a development that respects the site's edge of village location. The dwellings would be of traditional construction with pitched roofs, the dwellings would have individuality through the use of gable features to the front and variation in roof materials.
- 5.18 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 and turning space. The dwellings are set well back from the highway which further reduces the potential visual impact and helps to create an attractive and open entrance to this part of Raskelf.
- 5.19 The dwellings are shown as 3 bed bungalows, although it is acknowledged the third bedroom is of limited size. The provision of four single storey bungalows will not only limit the visual impact of the development but will also help to meet the demand for bungalows across the district in accordance with the Size, Type and Tenure of New Homes SPD.

Residential amenity

- 5.20 It is considered that the site is capable of accommodating four dwellings without prejudicing residential amenity. The dwellings are separated from the properties on Roedeer Cottages by the highways and given the separation distance of more than 24 metres and the single storey nature of the dwellings it is considered the impact would not be significant. In terms of the impact on the host property at Bonny Croft, the side of the nearest dwelling would face the rear of this property, there would be a bedroom window within this side elevation however the dwellings would be approximately 14m apart and it is considered that with sufficient boundary treatment given the single storey nature of the proposals the impact would be modest and acceptable under the LDF policies. Mini Haven is positioned further away and it is considered given the siting of this property and the proposed development there would be no significant detrimental impact on the amenity of Mini Haven.
- 5.21 Bonny Croft is positioned at a higher level than the proposed dwellings however this is not significant and given the distance involved there would be no significant detrimental impact in terms of overshadowing and overbearing. It is further considered that provided suitable boundary treatments are provided along this boundary there would be no significant impact on the privacy of the occupants of the proposed dwellings.
- 5.22 In terms of the relationship between the dwellings themselves the scale and layout of the dwellings is considered to be acceptable in this respect and the properties have a sufficient level of amenity space. The windows within side elevations are largely smaller secondary windows, plots 2, 3 and 4 have one bedroom window in one side elevation. Within plot 4 this will overlook the garden area, within plot 3 it will look over a driveway with, within plot 2 the bedroom window will be within close proximity to the side of plot 3. Whilst this relationship is not ideal, the window serves the smallest single bedroom and boundary treatments will provide screening in terms of the protection of privacy.
- 5.23 A condition can be added with regard to means of enclosure and landscaping this will ensure the details are acceptable in terms of residential amenity as well as visually.

Highway safety

- 5.24 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 and the surface water sewer

- 5.25 Foul drainage would be disposed of via the mains sewer and surface water will be drained in accordance with the Environment Agency's drainage hierarchy. 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.

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 drawing numbers 1715/2, 1715/6H, 1715/9, 1715/10, 1715/11, 1715/12 and 1715/13 received 17 September 2018 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. Should further investigation be deemed necessary after completion of the Phase 1 Preliminary Risk Assessment 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.
5. 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.
6. No further development shall commence until the approved remediation scheme has been implemented.
7. 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.

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 proposed site layout, drawing number 1715/6H, 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. No part of the existing boundary hedging and planting along the southern site boundary 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - a. The details of the accesses including the relocation of the existing lighting column shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - b. The crossings of the highway footway shall be constructed in accordance with the approved details and Standard Detail number E6.
 - c. That part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
 - d. 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.

17. 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 2.4 down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
18. 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 1715/6H). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. 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.
20. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the following proposals have been submitted to and approved in writing by the Local Planning Authority:
 - (i) an on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

- (ii) measures to ensure vehicles associated with construction works use the approved parking areas and do not park on the public highway
- (iii) a materials storage area on the site capable of accommodating all materials required for the operation of the site and measures to ensure its use
- (iv) the protection of trees; and
- (v) a detailed method statement relating to the programme of building works

The works shall be carried out in accordance with the approved method statement and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.

21. 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.
22. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to;
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means by which the discharge rate shall be restricted to a maximum rate to be agreed by the Local planning Authority
23. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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 Hambleton Development Plan Policies DP1, DP28 and CP17
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 safe development of the site and to protect human health and the environment
7. To ensure safe development of the site and to protect human health and the environment

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. In order to soften the visual appearance of the development and provide any appropriate screening
11. 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
12. 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.
13. 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.
14. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
15. In the interests of highway safety
16. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
17. In the interests of highway safety
18. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
19. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
20. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
21. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
22. To ensure that no surface water discharges take place until proper provision has been made for its disposal
23. In the interest of satisfactory and sustainable drainage

Informatives

Contaminated Land Notes for Applicants

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

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 9.2 March 2018.

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 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.

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.

Highways

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 the conditions.

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Parish: Romanby
Ward: Romanby
12

Committee Date : 15th November 2018
Officer dealing : Mr M. Pearson
Target Date: 27th November 2018

18/02101/FUL

Construction of a pig farrowing house

**at Romanby Grange, Boroughbridge Road Northallerton, North Yorkshire
for P. Phillips.**

The application is brought before Planning Committee as the applicant is related to a Member of the Authority.

1.0 PROPOSALS AND SITE DESCRIPTION

- 1.1 Romanby Grange is a 670 acre agricultural holding located off Boroughbridge Road on the southern edge of Romanby. The farm consists of a farmhouse & office and numerous agricultural buildings used for a pig breeding enterprise. The site is accessed from Boroughbridge Road via a tarmac surfaced driveway. Residential properties on Oaktree Drive are located approximately 100m to the north, whilst open farmland surrounds the farm to the east, west and south.
- 1.2 Planning permission is sought to construct a farrowing building in the south-east corner of the farm complex, on part of the adjacent field enclosed by hedgerows. The building is to be located in the north-east corner of the field and is situated immediately adjacent to the tall hedgerow that forms the northern edge of the field. Immediately to the west are a number of modern portal framed agricultural buildings. To the south and east are agricultural fields. The closest residential properties are located approximately 100m to the north of the proposed building on Oak Tree Drive.
- 1.3 The proposal seeks full planning permission for the construction of a pig farrowing house consisting of 16 farrowing "places" to replace existing farrowing accommodation which is beyond economic repair and no longer fit for purpose. The proposed building will not increase the number of sows (380) on the farm. The farrowing accommodation provides a temperature controlled environment for the Sows to give birth. The piglets then remain on the mothers for 28 days, providing a ventilated house to keep sows cool.
- 1.4 The proposed building measures approximately 14.5m long x 7.9 m wide x 2.4m in height to the eaves and 3.5m in height to the ridge. The external cladding proposed is a green coloured GRP with white UPVC window frames and will be covered by a green fibre cement roof. The structure will be constructed over sealed, underground concrete slurry tanks. The slurry store will have the capacity to hold 3 months slurry for regular removal to control the environment in the building. An off-site slurry store is available within the land farmed by the applicant. Rainfall onto the roof of the new building will be removed from the site either using the existing drainage system which drains into the beck to the east or by soakaways.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The site has the following relevant planning history:
 - 2/95/123/0487A - Construction of an agricultural building for the accommodation of livestock - Granted 15.09.1995

- AN2/96/123/0487B - Application of Prior Notification to construct a tractor and feed store- Granted 03.12.1996
- 11/02590/FUL - Construction of a pig farrowing building – Withdrawn 18.01.2012
- 11/02591/FUL - Construction of a weaner grower building and silo - Withdrawn on 18.01.2012
- 11/0592/FUL - Construction of a sow building - Withdrawn on 18.01.2012
- 12/00998/FUL - Construction of a sow building – Granted 27.07.2012
- 12/00999/FUL – Construction of a pig farrowing building – Granted 27.07.2012
- 12/01000/FUL - Construction of a weaner grower building and silo – Granted 27.07.2012
- 13/02345/FUL - Construction of an agricultural building to cover existing manure store – Granted 05.12.2013

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies of the Development Plan are as follows;

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Development Policies DP3 - Site accessibility
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP25 - Rural employment
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 National Planning Policy Framework – July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no observations received to date
- 4.2 HDC Environmental Health Officer - no observations received to date
- 4.3 Environment Agency – No observations received to date
- 4.4 Publicity - Site notices were erected close to the application site and near neighbours have been consulted in writing. The period for replies expired on 12th November 2018.
- 4.5 No comments have been received.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in the determination of this application relate to; i) the principle of the development; ii) design matters; iii) landscaping and; iv) impact on neighbour amenity.

Principle

- 5.2 Paragraph 83 of the NPPF notes that planning policies and decisions should support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, and promote the development and diversification of agricultural and other land-based rural businesses.
- 5.3 Policy CP4 of the Core Strategy stipulates that development in the open countryside will only be supported when an exceptional case can be made and when inter alia “it is necessary to meet the needs of farming...and will help to support a sustainable rural economy.”
- 5.4 Policy DP26 of the Development Policies DPD states that agriculture will be supported...by measures that include inter alia ii) promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production and iv) guiding development of new agricultural buildings...to locations which are sensitive to their environment.
- 5.5 The proposed farrowing building is considered to contribute to sustainable economic development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of the NPPF and policies CP4 and DP26 of the Hambleton Local Development Framework. The principle of the proposed development in this location is considered acceptable.

The Character of the surrounding area

- 5.6 Policy DP32 of the Development Policies DPD requires all development to be of the highest quality. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and promote local identity and distinctiveness.
- 5.7 The proposed design is similar in appearance to other agricultural buildings on the farm complex and to other farm buildings located throughout the District. In addition, the green coloured façade will help reduce its immediate presence within the landscape.
- 5.8 The proposed building will be located in a discrete location in the south-east corner of the farm complex and will be generally screened from public views by the existing buildings within the complex or otherwise by the surrounding hedgerows. It is therefore considered that the design and form of the proposal is acceptable and that the proposal complies with Local Development Policy DP32 .

Residential amenity

- 5.9 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.10 The nearest residential dwellings, Oak Tree Drive, are located approximately 100m to the north of the application site. The proposed development is a similar distance to these properties as the existing farming activities and as such the proposed

development is considered to be no more onerous on residential amenity than the existing farm.

- 5.11 The slurry store will have the capacity to hold 3 months slurry for regular removal to control the environment in the building. An off-site slurry store is available within the land farmed by the applicant.
- 5.12 The principle of the proposed development is acceptable and the site specific issues, including design, landscaping, impact on neighbours and highway impacts. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s):

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 general layout drawing prepared on 18/05/18 received by Hambleton District Council on 2nd October 2018 unless otherwise agreed in writing by the Local Planning Authority.
3. No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

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, CP17, DP30 and DP32.
3. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.

Parish: Seamer
Ward: Hutton Rudby
13

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 19th November 2018

17/00442/OUT

**Outline application with all matters reserved for 5 dwellings
At Stokesley Used Car Sales, Tame Bridge
For Mr Da Silva**

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 is approximately 0.98 hectares in size. The settlement of Tame Bridge is located approximately 0.7 km to the west of the built up area of Stokesley. There is a footpath link the entire route between the two settlements, with street lighting. The predominant characteristic in this part of the settlement is of a linear form of development.
- 1.2 The site previously accommodated a scrap/breakers yard, an engineering works and recycling depot. Its more recent use has been described as storage. A large portion of the rear of the site is covered by waste. The supporting planning statement describes the waste on site as having being “deposited unlawfully over previous years, and the site is in significant need of *clearing and remediating.....to address the unsightly views, and odour impact*”. Members should note that the application site has been the subject of ongoing complaints from neighbours, linked largely to the large amounts of waste that have been dumped at the site. It is also noted that enforcement actions have been explored with a variety of agencies, which have not resulted in the site being cleared.
- 1.3 The site wraps around a parcel of land that is not within the applicant’s ownership. The land has a frontage onto the main road and is unsightly in appearance. It is currently used for outdoor storage of logs/timber and other paraphernalia. The overall appearance is unsightly and unkempt. The storage is not used on a commercial basis and the lawful use of the site has been established to be storage and distribution (B8 Use Class).
- 1.4 There is a separate parcel of land within the ownership of the applicant adjacent the site located to the front of the site, adjacent to the proposed access, which previously accommodated a used car dealership. An application for a detached dwelling on this adjacent site was recently refused at planning committee.
- 1.5 To the east of the site is the dwelling known as Lipperbruch and to the north are open fields.
- 1.6 The proposal seeks outline approval with all matters reserved for 5 detached dwellings.
The plans submitted as part of the application are for indicative purposes only. However, it demonstrates how the development will need to be sited to the north east boundary of the site with a drive extending from the main road. It has been suggested that the dwellings will be of a dormer bungalow design and be a mix of 3 and 4 bedroom units.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 74/0783/FUL - Alterations to existing building and office block and use for light engineering; Granted
- 2.2 75/1661/FUL - Construction of open sand blasting shed; Granted.
- 2.3 76/1462/FUL - Extension to existing workshop and office to provide store and canteen; Granted.
- 2.4 81/0125/FUL – Re-siting paint spray shop; Granted.
- 2.5 88/01586/FUL - Construction of a vehicle maintenance workshop; Granted.
- 2.6 88/01586/FUL - Construct vehicle maintenance workshop; Granted.
- 2.7 88/01586/FUL - Construct vehicle maintenance workshop; Granted.
- 2.8 91/01267/OUT - Outline application for the construction of factory/ warehouse units and offices; Refused.
- 2.9 91/01249/OUT - Outline application for residential development; Refused.
- 2.10 91/01250/OUT Outline application for residential development; Withdrawn.
- 2.11 01/00117/FUL Alterations and extension to part of existing workshop/storage building for use as a dwelling; Refused.
- 2.12 04/02215/FUL - Change of use from garage workshop to car sales area; Granted.
- 2.13 06/00126/OUT - Outline application for the laying out of land and construction of 20 dwellings; Refused and dismissed at appeal.
- 2.14 17/00389/JPN - Prior Notification for the change of use of a building from office use (Class B1a) to a dwelling house (Class C3); Granted.
- 2.15 17/02612/FUL Construction of one detached dwelling house as amended by plans received by Hambleton District Council on 26 March 2018; refused. The reasons for refusal:
1. The size, massing and design of the proposed dwelling are considered to fail to respect the character and form of the settlement and have a harmful impact on the character of the area contrary to the requirements of Core Policy CP17 and Development Policy DP32 of the Hambleton Local Development Framework and the requirements of criteria 3 and 4 of the Hambleton Interim Policy Guidance Note.
 2. The submitted information is considered to be insufficient to ensure that the proposed development does not have a harmful impact on surface and foul water disposal in the vicinity of the application site and as such fails to accord with the requirements of Development Policy DP6 and DP43 of the Hambleton Local Development Framework.
 3. Owing to the proximity of the industrial premises adjacent to the site, it is considered that the occupiers of the property would suffer from a loss of amenity due to noise and dust implications along with a loss of privacy from the neighbouring use and as such the proposed development would fail to meet the requirements of Development Policy DP1 of the Hambleton Local Development Framework.

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 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 DP9 - Development outside Development Limits
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 – Flooding and Floodplains
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

4.1 Parish Council – no objection to the (revised) application.

4.2 Highway Authority – no objection, subject to conditions regarding the discharge of surface water, visibility splays, details of access, turning and parking, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during construction.

4.3 Northumbrian Water – Having assessed the proposed development we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request conditions with regard to foul and surface water.

4.4 Environmental Health – concern regarding the large accumulation of waste situated on and behind the application site (thought to be from the previous site operators Greenwood Environmental NE LTD). This waste would have an impact on the residential amenity of the potential occupiers of the proposed dwellings.

Members should note that all waste is proposed to be removed from the site.

4.5 Environmental Health (Contaminated Land) - The Phase 3 Remediation Statement (Solmek, S160916/Rem, July 2017) submitted in support of the above development provides basic details of the proposed remediation, however I am not in a position to approve the report due to the omission of the following details:

- Options appraisal – the options appraisal considers the advantages and disadvantages of different remediation techniques in order to establish the best overall approach to remediation on a site. The developer should refer to CLR11 (Environment Agency, 2004) for details on how to undertake an options appraisal.

- The Remediation Statement does not include any site plans or drawings to show which areas are to be remediated.
 - The volume of material to be remediated (either through excavation and reinstatement or other method).
 - The volume of clean soil cover to be imported to site and the source of such material.
 - The volume of remediated materials proposed for re-use on site and the location of such re-use.
 - Proposed location of any waste disposal.
 - Proposed location of any waste stockpiles prior to disposal.
 - Proposed location of any clean soil cover stockpiles prior to placement.
 - Details of management of stockpiles to prevent cross-contamination, wind entrainment, off-site dust, odours etc.
 - Details of gas protection systems to be installed due to proximity of landfill site to the north (Amber 1 classification not referenced in the Remediation Statement).
 - Details of water supply pipes not confirmed.
 - Details of the phasing of works and timescales not provided.
 - Details of any required consents, agreements, permit and licences, such as discharge consents, waste management licences etc., not provided.
 - Details of general site management procedures to protect site neighbours, environment and amenity not provided.
- The proposals for 'Validation Testing' and reporting as outlined in the Remediation Statement may also require amending once the above information has been submitted and approved."

The Contaminated Land Officer is satisfied that a proposed condition covering the matter of contaminated land is the appropriate course of action in this instance.

4.6 Public comments – no comments have been received regarding the revised scheme.

However, the original scheme attracted 4 observations as summarised below:

Support

- Tame Bridge will be become a more desirable place to live without the view of tonnes of waste which has been tipped there over the past 10 years
- Having a small development of will certainly not do the area any harm
- The scrap yard is an eye sore and it would greatly improve the appearance of the area
- A nice housing complex would add value to Tame Bridge instead of this unsightly mess
- The site is brownfield, with good access and is in close proximity to Stokesley

Objections

- Planning for any houses should only be considered after all this rubbish has been removed and the whole site decontaminated. We are led to understand that all concerned agencies are aware of this but nothing has ever been done with each agency denying responsibility.
- This site historically has been used for industrial use and will be highly contaminated.

Members should note that the objections do not refer to the principle of housing development on the site.

5.0 OBSERVATIONS

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

Principle

- 5.2 Tame Bridge lies beyond Development Limits defined in the Local Development Framework and Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan.
- 5.3 CP4 also includes criteria ii, "necessary to secure a significant improvement to the environment" and there is scope to consider the view that the scheme will involve the reclamation and remediation of the entire site. There are on-going complaints from neighbours, linked largely to the large amounts of waste that have been dumped at the site. Weight needs to be given to the fact that if the site remains in its current condition, it will deteriorate further. Members should also note that there is no statutory duty for the Environment Agency or Local Authority Environmental Health Service to remove the waste from the site and it is considered that the granting of planning permission for new dwellings will allow the applicant to fund the removal of the waste from the site, bearing in mind the applicant was not responsible for the placement of the waste on the site.
- 5.4 Notwithstanding the provisions of CP4, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 78 of the NPPF states:
- 5.5 "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".
- 5.6 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.7 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.

In the Settlement Hierarchy in the IPG, Tame Bridge is identified as an "Other Settlement". This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.8 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 0.7km from Tame Bridge, albeit the majority of services and facilities are located a little further to the east. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Stokesley is not a Service Village or Secondary Village, its status as a Service Centre indicates that it is more preferable in terms of its provision of services available to Tame Bridge. It is therefore considered that Tame Bridge can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. This would be consistent with appeal decisions in similar situations within the District involving small settlements close to Service Centres.

Character and appearance of the area

- 5.9 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance five dwellings are proposed, which is considered to be an appropriate scale.
- 5.10 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.11 Furthermore, one of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 The plans submitted as part of the application are for indicative purposes only. However it demonstrates how the development would be sited to the north east boundary of the site with a drive extending from the main road.
- 5.14 The agent has stated the following with regard to the character and appearance of Tame Bridge:

"The type of dwellings now proposed are dormer bungalows which more closely accord with the prevailing style of dwellings at this end of Tame Bridge, thereby

better complementing the character and appearance of the settlement. The proposed layout of development reflects the historic shape and form of the site which, unlike some of the nearby residential development, has a greater depth given that it used to accommodate an employment use with much larger floorplan buildings and associated storage and manoeuvring space.

Historically this site is equally as important in defining the urban form of Tame Bridge as the adjacent residential development. Tame Bridge is comprised not just purely of 'ribbon' development, it exhibits a range of urban forms including ribbon development and conventional housing estate development e.g. Croft Hills. The development of this modest scheme that will involve beneficial redevelopment of a previously developed site for five detached dormer bungalows is not therefore out of place and would be reflective of the wider character of Tame Bridge."

- 5.15 It is noted that the indicative layout reflects the historic shape and form of the application site itself given the employment use. The predominant characteristic in this part of the settlement is of a linear form of development on the northern side of the road. There are some exceptions to the linear character, including Croft Hills.
- 5.16 Croft Hills, extends back from the main linear form of development. However, it is considered that the application site is not viewed in the same context, which is characterised by residential development in a linear form fronting the main road. In contrast, the proposed development would extend well back into the site and would sit behind a commercial use. Other land also remains, occupying the land to the rear of the frontage properties.
- 5.17 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 road frontage.
- 5.18 However, in this case, the scale and extent of current waste and the building on the site needs to be considered in the context of Development Policy CP4.

Residential amenity

- 5.19 There is no question that the application site is unsightly, as is the neighbouring site. This is resulting in harm to the character and appearance of the area and the outlook of the neighbouring residential properties.
- 5.20 The site wraps around a parcel of land that is not within the applicant's ownership. The land has a frontage onto the main road and is unsightly in appearance. It is currently used for outdoor storage of logs/timber and other paraphernalia. The storage is not used on a commercial basis and the lawful use of the site has been established to be storage and distribution (B8 Use Class).
- 5.21 It is not anticipated that the adjacent site would give rise to unacceptable noise impact upon future occupants of the current proposal.
- 5.22 The dwellings have been positioned within the site to create a buffer from the 'storage/ depot' site to the southwest. The area between the proposed access road and the storage/ depot site to the south will be landscaped and retained as a buffer with the western portion of the site to be grassed maximising the separation.

Highway safety

- 5.23 The existing access to the site will be utilised. Although access it not a matter to be considered at this stage, there is no suggestion that the access is unsafe or doesn't

provide adequate visibility splays. The Local Highway Authority as raised no objection to the proposal, subject to conditions.

Land contamination

- 5.24 The application has been accompanied by a Phase 1 Desk Study; a Phase 2 site investigation report; a ground gas risk assessment; and a Phase 3 remediation strategy. The Contaminated Land Officer is satisfied that a proposed condition covering the matter of contaminated land is the appropriate course of action in this instance.

Ecology

- 5.25 A Preliminary Ecological Assessment dated March 2017 has been submitted as part of the application. This report concludes that there are no major ecological concerns.

Drainage

- 5.26 Under the current proposals, only part of the wider site is to be developed, with the remaining part of the applicant's ownership to be remediated, grassed over and landscaped. This will enable retention of a large area of land available for soakaway, which is considered to provide adequate provision for surface water drainage given the scale of development proposed. The garden areas of the proposed properties will provide further permeable surface area for drainage.
- 5.27 The agent has stated that following instances of flooding in 2005, various improvement works were undertaken to the drainage infrastructure to address this matter and flooding has not re-occurred since. A condition to cover the exact detailing of the drainage strategy is proposed.

Planning balance

- 5.28 This is plainly not a simple site to develop. The issues of waste on the site and the local impacts of the site on amenity have been in discussion without resolution, for a number of years. Whilst it might be better to see a wider, more comprehensive re-development of the wider site, this is not possible at the moment owing to site ownership. This application is seen as an opportunity to facilitate the remediation of the rear portion of the site, resulting in improvements to the amenity of the neighbouring occupiers.
- 5.29 The layout of the development is not considered to be in compliance with the Interim Policy Guidance. However, this is considered to be off-set by the environmental improvements resulting from the development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions and a S106 agreement to ensure the complete removal of waste from the whole site:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on Site Location Plan L017049-001, unless otherwise approved in writing by the Local Planning Authority.
4. No development shall not commence other than initial site clearance and preparatory works, including the formation of the access, 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.
5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road (the C1) from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicle access from the C1 (ii) vehicular parking (to comply with North Yorkshire County Council parking standards).
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 6: are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 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.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

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

10. 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.
11. Prior to the commencement of any development above foundation level, full details of existing and proposed ground levels and finished floor levels shall be provided in writing to and approved by the Local Planning Authority. Levels shall be taken from a local known datum point within the adjacent highway.
12. The development hereby approved shall be for no more than 5 dwelling units.
13. The size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
14. Notwithstanding the submission of The Phase 3 Remediation Statement (Solmek, S160916/Rem, July 2017) prior to the commencement of the development hereby permitted, full details of the remediation strategy in connection with land contamination shall be submitted to and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. 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) .
4. To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy DP43.
5. In accordance with policy number DP3 and in the interests of road safety.
6. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. In accordance with policy DP3 and in the interests of highway safety.
11. In order that the levels of the proposed development meet the requirements of Development Policy DP32 and DP1 in terms of the character of the area and the amenity of neighbouring occupiers.
12. In order that the scale of development is acceptable, in terms of the character and appearance of the area.
13. In order to ensure an appropriate mix of new housing in accordance with Development Policy DP13.
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.

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Parish: Shipton
Ward: Easingwold
14

Committee date: 15 November 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 20 November 2018

18/00856/FUL

**Retrospective application for conversion of outbuilding to form two dwellinghouses and provision of five parking spaces and associated turning area
At Framfield House (Outbuildings), Main Street, Shipton By Beningbrough
For Mrs M Johnson**

This application is referred to Planning Committee due to the sites extensive and complex planning history.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies to the rear of Framfield House, a substantial dwelling on the western side of the A19 in the centre of Shipton. Framfield House lies on the corner of the Main Street and Burrells Lane, an unadopted access track serving several residential properties and agricultural land to the west. Burrells Lane is also a public right of way (footpath).
- 1.2 The application site comprises a group of single storey buildings originally used for ancillary domestic purposes in association with Framfield House accessed from Burrells Lane. The outbuildings are arranged along two sides at the rear of the host dwelling, forming a courtyard. A brick boundary wall forms the western boundary with the adjacent dwelling Burrell Cottage. The outbuildings are divided into three units known as Annexe, Cottage 1 and Cottage 2.
- 1.3 The applicant is seeking retrospective consent for the retention of two of the buildings known as Cottage 1 & 2 as dwellings. The third dwelling which was located in the outbuilding known as the Annexe has reverted to form part of the main dwelling of Framfield, this has been confirmed as part of a site visit.
- 1.4 The applicant is also proposing to provide an additional two parking spaces to the side of the main dwelling, accessed off Burrell's Lane, this is in addition to the three spaces within the internal courtyard.
- 1.5 Concerns have been raised regarding whether this application should have been accepted as it is similar to the previously refused schemes. It is however considered the proposal is materially different to the previously refused scheme as there is one less residential unit and there are two further parking spaces proposed. Additionally the appeal decision of 14 July 2017 is a material consideration of significant weight.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/76/131/0024 - Conversion of outbuildings to dwellinghouse; Granted 20 May 1976 subject to the following condition:

The proposed unit shall constitute an annexe only to Framfield House and shall not be sold off or let as a separate dwelling unit

The reason for the condition was "The site is not considered suitable for general residential development".

2.2 2/77/131/0024A - Change of use of dwellinghouse to a guest house; Granted 24 November 1977.

2.3 2/79/131/0024B - Extensions to guest house to include three garages; Granted 25 April 1979 subject to the following condition:

Once the extension, hereby approved, is occupied, no paying guests shall be accommodated in bedrooms within Framfield House.

The reason for the condition was "The proposed extension, together with guest accommodation in Framfield House would not allow adequate parking and turning space within the site and this could result in parking on the trunk road which could create a hazard on the trunk road".

2.4 2/88/131/0024C - Change of use of guest house to a dwelling; Granted 1 August 1988.

2.5 13/01248/CLE - Application for Certificate of Lawfulness for use of guest accommodation as three separate dwellings; Refused 2 October 2013 for the following reason:

The evidence submitted does not sufficiently identify the units of occupation or the nature and length of occupancy in each case. It is the applicant's responsibility to provide sufficient and precise information to enable the Council to decide the issues on the balance of probabilities. In the event that such information is not provided the Council is justified in refusing to grant a Certificate. It is the Council's conclusion that the information provided in this case is not sufficient or precise to allow it to conclude that the use of three one bedroom cottages as separate residential dwellings has been continuous for a period of four years immediately prior to the Application being made.

2.6 Enforcement notices were served on two units, Annexe and Cottage 2 on 17 December 2013 and became effective on 24 January 2014. They require the use as a separate dwelling house to cease and the property to return to use as ancillary guest accommodation to the main dwelling at Framfield House. The reason for serving each notice was:

To retain control of the use of the land to ensure an acceptable level of residential amenity for existing and future occupiers; to provide appropriate levels of parking; and to ensure provision of infrastructure to meet the public open space, sports and recreational facilities needs of future occupiers.

2.7 14/00681/FUL - Retention of two dwellings located within outbuildings to the rear of Framfield House; Refused 4 August 2014 for the following reasons:

"1. In the absence of affordable housing provision the proposed development is contrary to LDF Policy CP9, which requires 50% of developments of 2 or more dwellings to be accessible and affordable to those unable to compete in the general housing market.

2. The proposal is contrary to the Hambleton Local Development Framework Policy DP37 and the Open Space, Sport and Recreation Supplementary Planning (adopted 22 February 2011) as it makes no contribution towards the provision of public open space, sport or recreation facilities to meet the increased demand resulting from the development.

3. In the absence of satisfactory details of vehicle parking and turning facilities within the site it is considered that the proposed development gives rise to a risk of vehicles being parked on the carriageway or footway of Main Street (A19), which would have an adverse impact on the free flow of traffic on the highway, contrary to Hambleton LDF Policies CP2 and DP4.”

- 2.8 14/02574/CLE - Application for Certificate of lawfulness for use as three separate dwelling units for letting purposes; Refused 24.05.2016 for the reason outlined below:

The evidence submitted does not sufficiently identify the units of occupation or the nature and length of occupancy in each case. It is the applicant's responsibility to provide sufficient and precise information to enable the Council to decide the issues on the balance of probabilities. In the event that such information is not provided the Council is justified in refusing to grant a Certificate. It is the Council's conclusion that the information provided in this case is not sufficient or precise to allow it to conclude that (a) two of the cottages (Units A and C) were in continuous use as separate dwellinghouses for a period of four years immediately prior to the service of the Enforcement Notices on 17 December 2013; or (b) that the third cottage (Unit B) has been in continuous use as a separate dwellinghouse for a period of ten years immediately prior to the application being made.

- 2.9 16/02464/FUL – Retention of three existing dwellings located within converted outbuildings to the rear; Refused 27.01.2017 for the reason outlined below:

“1. The site is of an inadequate size to make satisfactory provision for vehicle parking and turning for the three units and Framfield House, private amenity space for the three units and safe pedestrian access for all users. The development is therefore contrary to Hambleton Local Development Framework policies CP1, DP1 and DP3.”

17/00013/REFUSE The applicant appealed this decision; the Planning Inspector dismissed the appeal on 14 July 2017 (APP/G2713/W/17/3171484) on highway safety grounds, specifically relating to the visibility splays available at the junction of Burrell's Lane and Main Street. This is discussed at 5.9 onwards of this report.

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 CP9 - Affordable housing
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – The Parish Council have several issues to raise regarding this application

- a) why is the application allowed to be an ongoing concern given the site history
- b) insufficient turning area within curtilage
- c) visitor parking spaces would block the entrances of the dwellings
- d) potential drainage issues from proposed parking spaces
- e) access to and from the A19

4.2 Highway Authority – No objection subject to conditions

4.3 Environmental Health – No objection

4.4 Yorkshire Water – No comments received

4.5 Public comments

- 6 support comments have been received, one of which is from the applicants husband and two of which are from addresses within Shipton. Only Mr Johnson's representations had any comments and these related to provision of 'affordable housing' and there being plenty of space for parking and manoeuvring.
- Objections have been received from two neighbouring residents and an agent acting on behalf of one of these residents raising concern of drainage and highway impacts stating the scheme has not been amended sufficiently to address the core issue with regards to highway safety.

5.0 OBSERVATIONS

5.1 The issues to be considered include (i) the principle of additional residential units in this location; (ii) the amenity available to occupiers of properties subject to this application; (iii) the impact on the amenity of local residents; (iv) affordable housing; (v) public open space; and (vi) highway safety.

Principle of development

5.2 The site is within the Development Limits of Shipton, which is defined as a Secondary Village in the 2014 Settlement Hierarchy, previously it was listed as a Service Village in Core Strategy 2007 at Policy CP4. The site is in the centre of the village and within walking distance of facilities such as the school and the pub and with easy access to public transport; therefore it is considered to be within a sustainable location. The principle of additional dwellings in this location is also acceptable when considered against the National Planning Policy Framework, which aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. It is considered that the proposal is therefore acceptable in principle.

Amenity of occupiers of the cottages

5.3 Not all sites in sustainable locations are suitable for residential use and consideration must be given to the siting and layout of the development and the quality of life available to occupiers of the two units.

5.4 Application 16/02464/FUL was refused by the Planning Committee with one of the issues regarding the level of amenity space available within the site for the occupiers of the then three units. During consideration of the subsequent appeal the Inspector noted 'the area of amenity is communal and modest. However, these are small, one-

bedroomed dwellings unlikely to be suitable for occupation by families with children where amenity space needs would be greater'. The inspector goes on to state 'the area would provide reasonable space for occupiers to sit out and relax albeit their privacy would be limited'. Nevertheless, the Inspector considered the amenity space adequate for the needs of the occupiers of the three dwellings. The Inspector's appeal decision is an important material consideration of this application. In this proposal a reduction in the number of units from three to two has been made. The third unit now forms part of the main dwelling of Framfield and some reduction in demand on the communal amenity space might be envisaged.

- 5.5 It is acknowledged the parking for the 2 proposed residential units is within close proximity to the buildings, in this respect the Inspector noted this 'would diminish the occupiers enjoyment of their homes to some degree however it does not provide compelling grounds to dismiss the appeal'. It is also noted that as part of a previous application 14/00681/FUL the parking and amenity space arrangements were similar to that proposed now and the refusal of that permission was not based on any concern regarding amenity.

Impact on amenity of local residents

- 5.6 The units lie immediately adjacent to, and in close proximity to, neighbouring residents. The buildings are single storey with no windows overlooking adjacent properties. There is no adverse impact on neighbouring residential amenity as a result of overlooking or loss of privacy. It is not anticipated that noise and disturbance to neighbouring residents would increase to an unacceptable level, particularly bearing in mind the location of the site within the centre of the village and the number of properties in the vicinity.

Affordable Housing

- 5.7 It is noted that while several of the support comments make reference to affordable housing, neither of the two units subject of this application meet the Council's definition of affordable housing.
- 5.8 The development is not of a scale that requires an affordable housing provision.

Highway safety

- 5.9 One of the key issues with this application relates to concerns regarding the parking provision and turning facilities on site. There has been concern in the past from nearby residents that insufficient parking on site will result in cars parking on the A19 and on Burrells Lane. It is important to note that the reason for refusal of 14/00681/FUL recorded in paragraph 2.7 refers to concerns about parking on the A19 but not on Burrells Lane; and the reason for refusal of 16/02464/FUL recorded in paragraph 2.9 makes no reference to parking on Burrells Lane and therefore while local concerns about parking on Burrells Lane are understood, the Council has not previously considered it to justified a reason for refusal.
- 5.10 Burrells Lane is an unadopted privately owned highway and as such the Highway Authority has no controls over it. Furthermore the Local Planning Authority has no controls over this land as it does not lie within the application site boundary or within the control of the applicant. The uncontrolled nature of the lane means it is possible for anybody to park there, regardless of their place of residence.
- 5.11 Concern has been raised that the proposed spaces for the residential units will be unusable due to the proximity to the dwellings and there is insufficient turning space within the curtilage. The applicant has previously demonstrated there is space to park

and turn three cars within the site such that vehicles can enter and leave in forward gear. The Local Highway Authority has raised no objection in this respect and the Planning inspector did not consider the arrangement unacceptable.

- 5.12 The most recent appeal which was dismissed (APP/G2713/W/17/3171484) made reference to Burrells Lane and the issue of parking on and exiting of the lane. The Inspector took the view that car users of the site are likely to park on Burrells Lane or Main Street. The Inspector considers this to be an issue in that it would restrict visibility for a driver exiting Burrells Lane on to Main Street. The Inspector stated “the relevant visibility standard required by Manual for Streets cannot be achieved when vehicles are parked with the splays” and when vehicles are parked to the south of the junction it severely restricts the sight of approaching northbound traffic and for an emerging driver. The Inspector concludes that “whilst the proposed development would not harm pedestrian safety, it would seriously compromise highway safety”.
- 5.13 To address the issue raised within the most recent appeal the applicant has amended the scheme and provided supporting information from a Transport Consultant. This application seeks to reduce the demand for parking by reducing the number of dwellings, whilst also increasing the level of parking provision. Three parking spaces are proposed within the site as previously proposed and there are two additional spaces proposed to the northern side of Framfield in the position previously occupied by a greenhouse and a ‘Wendy house’ these would be accessed directly from Burrells Lane.
- 5.14 The submitted access, parking and road safety statement states the additional spaces proposed will discourage parking on Burrells Lane itself, most drivers are reluctant to park in front of drive entrances and blocking access, whilst providing further parking for the Framfield site. It is further stated that although this planning application contains measures to reduce demand for on-street parking it is possible that there will be times when on-street parking occurs within the visibility splays at the Burrells Lane Junction with Main Street. Manual for Streets 2 (MfS 2) indicates at paragraph 10.7.1 that ‘parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practice’. The MfS2 goes on to state that ‘at urban junctions where visibility is limited by buildings and parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic, and vice versa’. This is considered to be the approach taken by drivers emerging from Burrells Lane when cars parked on the nearside kerb-line of Main Street impede visibility.
- 5.15 Whilst the Inspectors decision makes reference to Manual for Streets, there is no specific reference to the relevant section on junctions within urban areas as quoted above. The supporting information submitted by the applicant shows the situation at the Burrells Lane junction is as per the MfS2 guidance. Furthermore, it is stated there is no accident record at the junction.
- 5.16 The Local Highway Authority has raised no objection to the application and reports that the parking and access arrangements are satisfactory. Despite the above points, the applicant has put forward a proposal for double yellow lines to the front of Framfield. The Local Highway Authority does not consider this necessary given the guidance in section 10.7 of Manual for Streets 2.
- 5.17 Overall, this proposal reduces the number of residential units previously proposed as well as providing additional parking, the supporting information which has been prepared by a Highway Consultant considers the proposal will not seriously compromise highway safety and shows the Burrells Lane junction is in accordance with Manual for Streets 2 guidance which the Local Highway Authority agrees with and also has no other highway objections. It is considered the submitted information

shows the proposal addresses the concerns raised by the most recent appeal decision.

Residual Matters

- 5.18 Concern has been raised regarding the surface water drainage at the site, any changes to the surfacing of the central courtyard area that may have occurred in the past would not have required planning consent and its drainage cannot be controlled by the Local planning Authority. The provision of the additional parking spaces to the side of Framfield will require further changes to the surfacing and it can be conditioned that the material used is permeable or that an in curtilage soakaway drain be provided.

Conclusion

- 5.19 The proposal is made following a series of planning decisions most significantly the decisions of this Council on applications in 2014, 2016 and the appeal decision of 14 July 2017. The 2017 appeal decision finds highway safety would be seriously compromised due the obstruction to visibility by parked cars near to the junction of Burrells Lane and Main Street but on all other matters found the scheme to be acceptable.
- 5.20 The revised scheme for two dwellings reduces parking demand and additional parking space is also proposed. With reference to the latest highway design guidance in Manual for Streets 2 the only concern of the Inspector in the July 2017 appeal is found to be over-ruled, noting that obstruction to visibility splayed by parked cars “does not appear to create significant problems in practice”. On the basis of the changes made, the previous concerns are fully addressed and the proposal is recommended to be granted.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Within three months of the date of this permission the vehicle access, parking, manoeuvring and turning areas shown on drawing 3734-PD-03 C shall be constructed in accordance with the submitted drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. The surface of the additional parking spaces shall be constructed using permeable materials or there shall be provision within the curtilage of the site of a soakaway drain for surface water run-off.
 2. The annexe building as shown on drawing 3724-PD-03 C shall form and shall remain part of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling.
 3. The decking and grass area shown on drawing 3724-PD-03 C shall be made available at all times for the purpose of outdoor amenity of residents of Cottage 1 and Cottage 2.
 4. Bin storage shall be made available within the land within the ownership or control of the applicant (edged red or blue on the location plan 3734-PD-00 Rev A) but outside of any parking or turning area and not within the designated decking and grass area.

The reasons are:

1. To ensure satisfactory provision of appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
2. To enable the Local Planning Authority to assess in the implications of any alternative occupation of the premises in accordance with Local Development Framework Policies particularly policies CP1 and DP1.
3. To ensure that the amenity space is made available to meet the reasonable needs of residents and in accordance with Local Development Framework Policies CP1 and DP1.
4. To ensure that appropriate bin storage space is made available to meet the reasonable needs of residents and in accordance with Local Development Framework Policies CP1 and DP1.

Parish: Skutterskelfe
Ward: Hutton Rudby
15

Committee date: 15 November 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 Background

- 1.1 The application was considered by Planning Committee on 18 October 2018 for additional information to be provided in respect of (i) impact of food preparation; (ii) Impact of the generator noise; and (iii) adequacy of the kitchen for food preparation.
- 1.2 The applicant's agent has provided a written response to the concerns raised at the last meeting.

Impact of food preparation

- 1.3 The kitchen facilities have a state of the art extraction system, which was installed prior to the premises being brought into use as a hotel. The extraction system was specifically designed to mitigate the odours emitted during use of the kitchen facilities and to mitigate noise emissions, which are silent at the nearest site boundary of the premises. This system and associated control measures have previously been approved by the authority under early permissions and there are no proposals to alter this system.
- 1.4 Rudby Hall's kitchen walls are two feet thick, which mitigates noise emitted from the kitchen facilities during their use. The owners currently cater for up to 35 guests without any complaints having been received.
- 1.5 It is considered that food can be prepared on site without resulting in a detrimental impact upon the amenity of neighbouring properties in terms of noise and odours.

Noise from generator used in conjunction with the marquee

- 1.6 The current application has previously stated that the generator will not exceed 63dBA at 7m from its location. The generator is supplied by the same company which supply the marquee and is designed to be used for outdoor events without causing unacceptable levels of noise. The generator sits alongside the marquee, and is designed not to disturb guests dining a short distance away.
- 1.7 It is noted that this generator has been used in conjunction with the marquee with approval on an ad-hoc basis. This application seeks to simply remove the requirement for the applicant to seek consent before every use of the marquee. Furthermore, the use of the marquee is regulated by other conditions which serve to mitigate against impact on neighbouring properties.

- 1.8 The applicant has been asked to investigate alternative generators and further information on this will be provided in the Committee up-date.

Adequacy of the kitchen

- 1.9 Rudby Hall has one large kitchen, with an additional kitchen/prep area, and a large store and refrigerator room. The premises has operated successfully as a hotel and as a venue for weddings and other functions, where the kitchens are used to cook for guests staying and/or dining at the hotel around the events. Therefore, it is considered that the kitchen and facilities are capable of accommodating further events without resulting in a detrimental impact on neighbouring amenity.

2.0 SITE, CONTEXT AND PROPOSAL

- 2.0 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).

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

- 2.2 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.

2.3 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.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 12/00019/FUL - Change of use from dwelling to a country house hotel; Granted 17 September 2012).
- 3.2 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel; Granted 17 September 2012.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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

4.0 RELEVANT PLANNING POLICIES

4.1 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

5.0 CONSULTATIONS

- 5.1 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”.

- 5.2 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”.
- 5.3 Society for the Protection of Ancient Buildings – No response received
- 5.4 Historic England- No comment
- 5.5 Council for British Archaeology – No response received
- 5.6 Northumbrian Water – No comments
- 5.7 Highways – No objections
- 5.8 Environment Agency – No response received
- 5.9 Site Notice - No response received
- 5.10 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

6.0 OBSERVATIONS

- 6.1 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

- 6.2 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.

- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 Overall, it is considered that the proposed variations would not result in a significant harmful impact on the amenity of nearby residents.

Highway safety

- 6.10 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.
- 6.11 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.
- 6.12 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

- 6.13 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.

7.0 RECOMMENDATION

- 7.1 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 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.

Parish: Thirsk
Ward: Thirsk
16

Committee date: 15th November 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 19th November 2018

17/02448/REM

Reserved matters of appearance, landscaping, layout and scale for residential development of 40 affordable dwellings - 2 one bedroom dwellings, 15 two bedroom dwellings, 8 two bedroom bungalows and 15 three bedroom dwellings

At Land off the end of St Marys Close, Thirsk

For Mr J R Barker And Mrs R Taylor

1.0 SITE, CONTEXT AND PROPOSAL

Background

- 1.1 The site lies within the Development Limits of Thirsk. This site was not an allocation for housing in 2013 when the outline approval was granted, but was considered to be a windfall site. Historically, the site was envisaged to come forward for recreation development in association with either the school to the south, the Millennium Gardens to the east or Rybeck Farm to the north. The Hambleton District Wide Local Plan (1999) allocated the site for recreation. In 2007, the Hambleton Local Development Framework Preferred Options document suggested the allocation for recreation, however this was later removed from the plan as it was deemed undeliverable. In 2007, the site largely fell within flood zone 2, making the developable area very limited. For this reason, recreation was the only realistic option. However, since then the Environment Agency have amended the flood maps and is now within Flood Zone 1, at the lowest risk of flooding.
- 1.2 During the course of this application, the potential developer of the site has changed. The initial scheme sought market dwellings, with the 40% affordable housing provision in accordance with the requirements of the outline planning permission. This proposal now seeks 40 units all of which are "affordable."

Site and Proposal

- 1.3 The application site extends to 1.32 hectares. The land is agricultural use, is currently down to grassland and is relatively flat in nature. To the north-west is the residential estate of St Marys Close, St Marys Drive and St Marys Way. To the south-west is the residential area of Craigs Way and The Orchard. Thirsk Community Primary School, East Thirsk Community Hall, Thirsk Recycling Centre and Sure Start Thirsk Children's Centre is positioned to the south-east. To the north-east is the Thirsk Millennium Gardens which is separated from the site by a water course running north-west to south-east.
- 1.4 A vehicular access to and from the end of St Marys Close cul-de-sac is proposed, with no other vehicular access to the site proposed. A Public Right of Way exists to the south-western boundary of the site linking St Marys Walk and Hambleton Place, a route that will be retained.
- 1.5 The site lies within Flood Zone 1, less than 1 in 1000 risk of flooding and is classified as 'low probability'.

- 1.6 The proposal seeks approval of the reserved matters of appearance, landscaping, layout and scale for residential development of 40 affordable units. These comprise of 2 one bedroom dwellings, 15 two bedroom dwellings, 8 two bedroom bungalows and 15 three bedroom dwellings.
- 1.7 The 40 affordable units comprise of 22 affordable rental units, 16 shared ownership units and 2 rent to buy units. All of the units meet the National Described Space Standards.
- 1.8 The breakdown of the plots, including type of affordable housing, storey height and number of bedrooms are as follows:

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/81/152/0201 - Outline application for residential development; Refused 1981.
- 2.2 2/92/152/0201D - Outline application for residential development; Withdrawn 1993.
- 2.3 2/93/152/0201E - Outline application for residential development to include open space; Refused 1994. Appeal Withdrawn 1994.
- 2.4 13/02397/OUT - Outline application for residential development of up to 40 dwellings; Approved 21.11.2014.

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 CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains

Affordable Housing SPD – adopted 7th April 2015
 Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Recommend refusal. As this proposed development is adjacent to an existing estate of bungalows, the Town Council considers it inappropriate to have houses overshadowing them. Also, for the appearance (street scene), the layout of 'houses - bungalows – houses' creates a mismatched appearance.
- 4.2 Highway Authority – The applicant has submitted a revised site plan which addresses matters previously raised by the Local Highway Authority
- 4.3 Lead Local Flood Authority - The submitted Drainage assessment highlights a calculated greenfield runoff rate of 2.2 l/s. The site should be restricted to the pre development greenfield runoff rate or to the minimum orifice size or minimum flow control of the adopting water authority. As the site is a greenfield development, the proposed surface water runoff peak flow should be restricted to the calculated greenfield runoff for all return periods up to the 1 in 100 year plus climate change plus urban creep design flood event.

They have recommended conditions.

- 4.4 Swale and Ure Drainage Board – 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.
- 4.5 Yorkshire Water – The Drainage Assessment (prepared by Queensbury Design - Report dated 07/11/2013) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer and a watercourse exists near to the site for the disposal of surface water. Connection to this watercourse is subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.
- 4.6 Environment Agency – no objection to the proposal.
- 4.7 Environmental Health – no objection to the proposal.
- 4.8 Environmental Health (Contaminated Land) – no objection, subject to satisfying the condition of the outline approval regarding the submission of a scheme for the re-use of soils and/or importation of soils, including details of the sampling and chemical testing proposed, that are to be placed in garden and soft landscaped areas in order to demonstrate they are suitable for use.
- 4.9 Designing Out Crime Office (Police) – no concerns in relation to Designing Out Crime.
- 4.10 NYCC Education – based on the proposed 40 2+ bedroom properties currently no shortfall of school places would arise as a result of this development.
- 4.11 NYCC Archaeology – I have checked the details against the Historic Environment Record. There are no known archaeological sites in the area indicated or within the immediate vicinity. It is likely that the area formed part of the open strip-field system of Thirsk and has been in agricultural use since at least the 1100s AD. I have no objection to the proposal and have no further comments make

- 4.12 Network Rail - no objection to the proposal and have no further comments make
- 4.13 Housing Services – strongly support this scheme, which would deliver much needed affordable homes in Thirsk, both for affordable rent and shared ownership. The homes comply with space standards and the site layout meets requirements in terms of the distribution of homes, parking and amenity.
- 4.14 Public comments – with regard to the revised scheme, 1 letter of objection has been received from the occupier of 14 St Marys Drive. Other objections were received regarding the original scheme before the developer changed.
A summary of the objections from 14 St Marys Drive are:

- Loss of sunlight to conservatory and summer house
- Loss of sun light to solar panels on the roof
- All the northern half of the site should be single storey bungalows at a minimum of 21 metres from all existing dwellings in St Marys Drive
- The proposal should allow for 2 vehicular access from The Orchard and St Marys to be used to stop rat running and reduce unacceptable volume of traffic using one entrance at peak times

A summary of the previous objections are:

- Bungalows should being included closer to the properties of St Marys Drive
- Increase in flow of traffic along St Marys Close
- Increase in construction traffic and parking for workers
- More bungalows should be proposed
- The field is used by dog walkers
- The area is mainly elderly people and having more families will increase the number of cars
- Issues regarding surface water
- There should be no access through The Orchard to the site

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: the principle of development, housing mix, type and tenure, design and layout, landscape and visual impact, residential amenity, public open space, highways safety, drainage and flood risk, trees and ecology and archaeology

Principle of development

- 5.2 The principle of development has already been established as part of the outline approval. The site was considered a windfall site, located within the Development Limits of Thirsk which was considered and is still considered to be a sustainable settlement, as a Service Centre in the settlement hierarchy outlined within Policy CP4 of the Hambleton Local Development Framework.

Housing Mix, Type and Tenure

- 5.3 The Strategic Objections of the Core Strategy is to meet the housing needs of all the community, by providing an adequate amount and range of housing including affordable and special needs housing. The need to provide young people, older people and first time buyers will be given a high level of importance.
- 5.4 The scheme comprises of 40 affordable units. These units have been split in terms of providing both social rental and intermediate housing in terms of shared ownership

and rent to buy. Policy DP15 states that developments should achieve a balance between rental property and intermediate affordable housing which reflects current market conditions and housing needs.

- 5.5 Local planning policy acknowledges that development sites should provide a mix of market and affordable housing. On this basis, the provision of affordable housing on this site would be 40% which equates to 16 units. The applicant is providing a further 24 affordable units that will help both meet the affordable housing need and provide the size and type of dwellings that are needed across the District.
- 5.6 The Size, Type and Tenure SPD identifies that the District should provide that more two and three bedroom market homes, more choice for older people including two bedroom bungalows for sale and a wider tenure mix including more affordable housing, intermediate tenures and private rented homes
- 5.7 The proposal also comprises of 8 bungalows in total, with 2 of those being for shared ownership. The proposal does not seek the provision of any units over 3 bedrooms and provides a wider mix of affordable housing.
- 5.8 It is considered that the proposal provides a housing mix of the right type and tenure to meet the needs of the District, in accordance with local planning policy. The absence of any open market dwellings on the site is considered acceptable in this case because the proposal is relatively small in scale and the affordable housing includes 3 different tenures.

Design and layout

- 5.9 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.11 The units are all semi-detached and provide spaces in between to allow for car parking. Some car parking is to the front of the units. There are 8 bungalows on the northern part of the site adjacent to existing bungalows beyond the site boundary.
- 5.12 It is considered that the proposed layout and the relationship of private and public spaces, retention of boundary treatments (particularly the hedge to the south of the site) and the connection to the public right of way to the west and connection to the open space to the east of the site is acceptable and would provide a positive townscape form within the development.
- 5.13 It is considered that each dwelling has adequate private amenity space commensurate to the size of the unit.
- 5.14 The two storey dwellings have been designed in a way to include pitched roofs, central front doors or windows and canopies over the front doors. The bungalows will have hipped roofs, with a small projecting pitched roof to the front. Brick cill and lintel details are proposed and it is expected that all dwellings will be constructed from brick with a grey roof tile. Rainwater goods will be black, with the windows expected

to be white uPVC. These details are secured by planning condition on the outline approval.

- 5.15 The boundary treatments throughout the site comprise of close boarded fencing, metal railings with brick piers and brick piers with art stone coping with close boarded fence infill panel. The boundary as you approach the site from the north between the highway and plots 1 and 40 will be formed with brick piers with art stone coping with close boarded fence infill panel. This is considered to form a gateway to the site visually and allows for sufficient privacy for plots 1 and 40. The layout and design also meets the requirements of the Designing Out Crime Officer for the Police.

Landscape and visual impact

- 5.16 Policy DP30 of the adopted Development Policies DPD states that where possible opportunities should be, taken to add appropriate character and distinctiveness through the contribution of new landscape features The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.17 The site is between two residential areas and is adjacent the Millennium Gardens and the Thirsk Community Primary School. The site is fallow grassland and building dwellings on the site will change the character of the area. However, it is bounded by residential dwellings and consideration should be given to the fact that the site is located within a sustainable location and providing affordable housing.

Residential amenity

- 5.18 The closest residential dwellings to the site are to the north. These are all bungalows. The 8 bungalows are proposed along this boundary. There are still some two storey dwellings on this boundary; however, it is considered that there is sufficient distance of 22 metres between the rear elevations of the proposed dwellings to the bungalows. The existing boundary fences of the neighbours dwellings will be retained, but the developer has suggested that subject to their agreement, new fences can be installed.
- 5.19 A fence is proposed on the western boundary to still allow for access to the public right of way, but stop access into the site from Craigs Way.
- 5.20 It is considered that scheme would not prejudice residential amenity, it would not be overbearing in presence, and would not cause a loss of light or loss of privacy.

Public Open Space

- 5.21 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.22 To the north-east of the site is Thirsk Millennium Gardens that will be used as public open space for occupiers of the dwellings within the application. A footbridge is proposed over the ditch to allow for this pedestrian link between the application site and the public open space. A S106 agreement is in place for the contribution of off-site public open space contribution. There is no need to provide additional on-site open space due to the facilities provided in the Millennium Gardens.

Highway safety

- 5.23 The single access point from St Marys Close was fixed as part of the outline approval. There are conditions that need to be satisfied as part of the outline approval.
- 5.24 In terms of the internal road layout, there are two turning heads to the east and west of the site. There is continuous footway around the site and each dwelling has two car parking spaces within their curtilage. No visitor car parking is proposed however incidental on-street parking space is available within the layout.
- 5.25 It is considered that the proposal development can be safely accessed by pedestrians, cyclists and vehicles and the proposal will not be detriment to highway safety.

Drainage and flood risk

- 5.26 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.27 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.
- 5.28 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.29 Queensberry Design Ltd were commissioned by the landowner as part of the outline approval to undertake a drainage assessment in connection with a proposed residential development. This has also been submitted to accompany this application. It is proposed to discharge surface water flows from the development into the existing watercourse at the north-eastern corner of the development at 5l/s. A surface water attenuation pond is located adjacent to plot 10. This has been confirmed to be a subterranean tank system which it is intended to be adopted by Yorkshire Water. The discharge rate is therefore to be restricted to the lowest practical rate.
- 5.30 It is proposed the foul flows will discharge unrestricted via a separate foul system into the existing 150mm diameter YW foul sewer in Craigs Way. Proposed foul flows are to discharge from the site at the south-western boundary. A new manhole is to be constructed as an outfall point on the line of the existing sewer adjacent Craigs Way/The Orchard junction. The assessment concludes that further work to progress a detailed drainage design needs to incorporate a topographical survey, details site layout and detailed ground investigations.
- 5.31 There are conditions regarding the drainage as part of the outline approval that need to be adhered to. The developer has stated that they would clean out the drain/ditch section that lies adjacent to the application site.

Trees and ecology

- 5.32 A Phase 1 Habitat Survey was produced by Naturally Wild Consultants Ltd as part of the outline application. The objective of the survey was to ascertain if any protected species were using the site, document the habitats present and determine the ecological risks posed by the development. Further to this, the survey investigated for presence of invasive plant species on site. The field and boundary hedge lines were assessed, as were the immediate surrounding habitats. No protected species were found during the site visits.
- 5.33 The field (semi-improved grassland) has at present had no obvious use, although the species diversity would suggest that it has previously been used for agricultural purposes, although not for some time. With a slight east-facing slope the field appeared to have reasonable drainage and no areas of waterlogging noted. There are no ponds or buildings on the application site. The site is bordered by residential infrastructure to the west and north, with a school to the south and green open space to the east. The wider area is residential accommodation, and the site has poor external habitat links. Measures can be taken to mitigate impacts and there is scope for enhancement to be made to the bio-diversity through the actions of the developer and subsequent occupiers.

Archaeology

- 5.34 The Principal Archaeologist at NYCC has stated that there are no known archaeological sites in the area indicated or within the immediate vicinity. It is likely that the area formed part of the open strip-field system of Thirsk and has been in agricultural use since at least the 1100s AD. They have no objection to the scheme.

Conclusion

In applying the planning balance the provision of affordable housing must attract significant weight in support of the scheme. As at the outline stage there has been found to be no harm caused to wildlife and the site remains free from flooding problems, and it is in a sustainable location with a wide range of services nearby that are accessible by a range of means of transport including on foot and by cycle. The site has convenient access to an area of public open space and there is capacity in local infrastructure (including school places) to accommodate the development.

The scheme would result in development of an area of previously undeveloped 'green space' within the built up area of Thirsk and would change the outlook from neighbouring homes, however the benefits of the provision of new homes, particularly affordable homes outweighs any harm that may arise during the construction phase and in the subsequent occupation of the site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below unless otherwise approved in writing by the Local Planning Authority.

Site Location Plan - L017056-100 Revision A
Amended Site Layout Plan – Drawing No 2649.92.002 Revision R.
House Type A – 1B 2649.92. 011 C
House Type B – 2B 2649.92. 012 B
House Type C – 2B 2649.92. 013 B
House Type D – 3B4P 2649.92 014 B
House Type E – 3B4P 2649.92 016 A

The reasons are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with LDF Policies CP17 and DP32.

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Parish: Well
Ward: Tanfield
17

Committee Date : 15 November 2018
Officer dealing : Mrs H Laws
Target Date: 29 November 2018

18/02129/FUL

**Retrospective application for construction of a roof over existing feeding area for cattle
At: Mowbray Hill Farm, Well
For: Mr Webster**

This application is referred to Planning Committee because the applicant is related to a Member of the Council.

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The site lies on the northern side of the B6268 between Nosterfield and Masham, approximately a mile to the south west of Well. The farm is set back from the road at the end of a 200m long driveway. The farmhouse lies in the north eastern corner of the farm complex with buildings extending across the farmyard to the west.
- 1.2 The application is for an open sided building covering a feeding area used by cattle, in order to reduce pollution. The building is 68m x 12m with a maximum height of 5.2m. The roof is finished in natural grey coloured fibre cement sheeting.
- 1.3 The building lies in a central position within the main group of farm buildings associated with the site, immediately adjacent to another agricultural building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/167/0048B - Construction of an agricultural storage building. Permission granted April 1997.
- 2.2 06/01317/FUL - Construction of an agricultural building and associated hardstanding. Permission granted July 2006.
- 2.3 09/01171/FUL - Construction of three cattle buildings. Permission granted July 2009.
- 2.4 12/01166/APN - Application for prior notification for construction of steel portal framed building to the Agricultural Specification B.S. 5502, Class 2 for the housing of cattle. No objections June 2012.
- 2.5 12/01175/APN - Application for prior notification for construction of steel portal framed building for the housing of cattle. No objections July 2012.
- 2.6 14/00808/FUL - Construction of agricultural building. Permission granted 2/5/2014.
- 2.7 16/01082/FUL - Construction of a lean-to extension to an existing livestock building to cover an existing cattle loafing/feeding area. Permission granted 24/6/2016.
- 2.8 16/02246/APN - Application for Prior Notification for the construction of an agricultural store for the storage of slurry and other forms of fertiliser material. No objections 11/11/2016.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 – Rural employment
Development Policies DP26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 1/11/2018)
4.2 HDC Environmental Health Officer – no comments received (expiry date for representations 14/11/2018)
4.3 Publicity – no comments received (expiry date for representations 6/11/2018)

5.0 OBSERVATIONS

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

Principle

- 5.2 National planning policy is generally supportive of development that promotes the development of agricultural businesses. This is reflected at local level through LDF Policy DP26, which is supportive of agricultural development if it is also acceptable in terms of other policies, and subject to measures that guide development (including the design and siting) of new agricultural buildings to locations which are sensitive to their environment.
5.3 The structure is confined within the existing operational area of the farm and as such the principle of development in this location is supported.

Impact on the rural landscape

- 5.4 The site lies within the existing farmyard area, adjacent to existing buildings, which significantly reduces the visual impact of the proposed development.
5.5 The site is not clearly visible from the road and there are no public rights of way in the vicinity. The building does not have an adverse effect on the appearance of the surrounding landscape.

Residential amenity

- 5.6 There are no residential properties nearby that are unrelated to the farm operation. It is considered that the operation of the site is unlikely to result in any detrimental impact on residential amenity.
- 5.7 The proposed development is considered to be acceptable and approval is recommended. As the planning permission is retrospective no conditions are recommended.

6.0 RECOMMENDATION:

That subject to any outstanding consultations the application be **GRANTED**

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