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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Louise Hancock (01609 767015)

Wednesday, 10 September 2014

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 18 September 2014**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To: Councillors Councillors
 D A Webster (Chairman) Mrs J A Griffiths
 P Bardon (Vice-Chairman) K G Hardisty
 D E Adamson J Noone
 D M Blades C Rooke
 J Coulson Mrs M Skilbeck
 G W Ellis P G Sowray

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00AM REGARDING THE CLG CONSULTATION DOCUMENT AND THE RURAL SETTLEMENT HIERARCHY

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 21 August 2014 (P.11 - P.12), attached.
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS
Report of the Director of Environmental and Planning Services.
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.

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Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 21st August, 2014 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	K G Hardisty
	D E Adamson		J Noone
	D M Blades		C Rooke
	J Coulson		Mrs M Skilbeck
	G W Ellis		P G Sowray
	Mrs J A Griffiths		

Also in Attendance

Councillor	B Griffiths	Councillor	Mrs I Sanderson
	B Phillips		A Wake
	M S Robson		

P.11 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 24 July 2014 (P.9 - P.10), previously circulated, be signed as a correct record.

P.12 PLANNING APPLICATIONS

The Committee considered reports of the Director of Environmental and Planning Services 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Environmental and Planning Services 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 Director of Environmental and Planning Services, unless shown otherwise:-

- (1) 14/00505/FUL - Revised application for the construction of a replacement dwellinghouse for Mr Jared Clark at Riverside View, Woundales Lane, Knayton

PERMISSION REFUSED

(The applicant, Jared Clark, spoke in support of the application.)

(Fred Wachsberger spoke on behalf of Borrowby Parish Council objecting to the application.)

(Gordon Clare spoke objecting to the application.)

- (2) 14/00842/FUL - Change of use from dwellinghouse to residential care home (Use Class C2) for up to six young persons and single storey rear extension for Priory Group at Fieldfare, Little Lane, Brompton

PERMISSION REFUSED because of a fear of crime.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant's agent, Matthew Banks, spoke in support of the application).

(Mr Van Huet spoke on behalf of Brompton Parish Council objecting to the application.)

(Stephanie Plummer spoke objecting to the application.)

- (3) 14/01197/FUL - Alterations and first floor extension to day nursery for Ms S Quincey at Brambly Hedge Day Nursery, Richards House, Crosby Road, Northallerton

PERMISSION GRANTED because the development was acceptable in terms of scale, height and position and it did not have a dominating effect on or significantly harm neighbouring amenity.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant, Sue Quincey, spoke in support of the application.)

Councillor J Coulson asked that it be recorded that he had voted against this proposition.

- (4) 14/01260/FUL - Change of use of industrial unit to dance studio for Miss Toni Armstrong at 1 Binks Close, Standard Way Business Park, Northallerton

PERMISSION GRANTED subject to an additional condition restricting opening hours to those stated in the application

- (5) 14/01338/FUL and 14/01339/LBC - Two storey and single storey extensions, internal works and removal of structure for Mr D Collier at Village Farm, Nosterfield

PERMISSION GRANTED

(The applicant's agent, John Goodwin, spoke in support of the application).

- (6) 14/01298/FUL - Change of use of field to site for one gypsy family and erection of stables for Mr Jonathan Stephenson at Millies Paddock, Thirsk Road, Stokesley

PERMISSION REFUSED

(The applicant's agent, John Pollitt, spoke in support of the application).

- (7) 14/01148/OUT - Outline application for the construction of a two storey detached dwelling with attached garage and formation of vehicular access for Mrs Margaret Hardy at Land adjacent to The Croft, South Back Lane, Tollerton

PERMISSION REFUSED

(The applicant's agent, Howard Thompson, spoke in support of the application).

(Barry Talbot spoke objecting to the application.)

- (8) 14/01372/FUL - Extension to an existing pig grower shed for Mr Brian Phillips at Hall Farm, Warlaby

PERMISSION GRANTED

Disclosure of Interest

Councillor B Phillips disclosed a pecuniary interest and left the meeting for the duration of the discussion and voting on this item.

The meeting closed at 3.15 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 18 September 2014. The meeting will commence at 1.30pm.

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

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of Environmental and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Director of Environmental and Planning Services 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
Director of Environmental and Planning Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday 18th September 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/00141/FUL Mr A Cunningham Shipton Page no. 8	Demolition of warehouse units and two storey office building and construction of new two storey modular office with associated car parking, roadways and hardstandings For: Wernick Group Ltd At: Norish Limited, Station Lane, Shipton by Beningbrough RECOMMENDATION: GRANTED
2	14/01198/REM Mrs H Laws Sutton-on-the-Forest Page no. 16	Reserved Matters application for the construction of a detached dwelling and garage For: Mr Peter Gripton At: Rutland House, 4 The Gowans, Sutton-on-the-Forest RECOMMENDATION: GRANTED
3	14/00561/MRC Miss A Peel Thirsk Page no. 22	Discharge of Conditions 1-6 of Planning Permission 08/00645/REM and amendments to dwelling by variation of Condition 7 with amended plans For Mr M Snelling At Green Acres, Byland Avenue, Thirsk RECOMMENDATION: REFUSED
4	14/01557/MRC Miss A Peel Thirsk Page no. 25	Variation of condition 3 of Planning Consent 11/02709/MRC -vary the opening times For: Mr Peter Bardon At: Milano, 13 Millgate, Thirsk RECOMMENDATION: GRANTED
5	14/00361/FUL Mr J Howe Well Page no. 28	Retrospective permission for the construction of an agricultural storage building including the housing of livestock For: Mr R Smirthwaite At: Marwell, Church Street, Well RECOMMENDATION: GRANTED
6	14/01483/FUL Mr J Howe well Page no. 32	Demolition of dwelling and construction of replacement dwelling and detached domestic garage. For: Mr C Kinsell At: Silent Springs, Strait Lane, Nosterfield, Bedale RECOMMENDATION: GRANTED

Parish: Shipton
Ward: Shipton

Committee Date: 18 September 2014

Officer dealing: Mr A J Cunningham
Target Date: 20 March 2014

14/00141/FUL

1

Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hardstandings as amended by plans and details received by Hambleton District Council on 1 May 2014, 12 August 2014, 18 August 2014 and 2 September 2014 at Norish Ltd, Station Lane, Shipton By Beningbrough, North Yorkshire, YO30 1BS for Wernick Group Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hardstandings at Norish Limited, Station Lane, Shipton.

1.2 The site is positioned to the west of Shipton, and sits to the north of Station Lane and to the east of the East Coast Main Line railway. A residential estate is positioned to the east of the site, with commercial units immediately to the west and beyond the public highway to the south. The southern boundary of the site is formed of a chain link fence extending to a height of approximately 2.5m, with a band of mature trees and a hedgerow to the south-eastern corner of the premises. The eastern boundary of site is formed of a chain link fence extending to a height of approximately 2.5m. The western boundary of the site is formed of a chain-link fence extending to a height of approximately 2.5m. The northern boundary of the site is formed of an established hedgerow to a height of approximately 2m.

1.3 The proposed scheme has been amended on 1 May 2014, 10 June 2014, 12 August 2014, 18 August 2014 and 2 September 2014 which has resulted in the submission of a noise assessment, transport assessment, amended replacement office design, amended site layout, supplementary noise assessment and revisions to the operation of the enterprise on site to take account of neighbour amenity.

1.4 The existing warehouse units to be demolished are sited to the north and east of the site with the exception of the modern building positioned to the north-eastern corner of the premises. The existing office building positioned adjacent the front (southern) boundary is proposed to be demolished. The existing warehouse units proposed for demolition are older structures in comparison to the remaining units to the west.

1.5 The amended site layout proposes an office building approximately 8m from the eastern boundary. The office building would measure approximately 9.8m x 24.8m with a total height of approximately 3.2m. The structure would be formed of a merlin grey flat roof and buff brick slip walls.

1.6 Car parking for the site is to be located to the south-eastern corner of the premises. 27 spaces are proposed to be provided.

1.7 A display area for modular buildings is proposed to the north of the proposed office building and adjacent the eastern boundary of the site.

1.8 The applicant has indicated a restricted area on the amended site layout plan where no vehicle movements should occur between 8pm and 6am on weekdays and no movements should occur on weekends.

1.9 The proposed change of use relates to the applicant's business which relates to the refurbishment of modular buildings. Major refurbishment work is proposed to occur within the warehouse buildings with lighter refurbishment works on land outside of the warehouse units. Modular offices are proposed to be stored predominantly to the west and north-west of the site.

1.10 The applicant is proposing a 2.4m close boarded fence along the section of the eastern boundary which is adjacent to the residential area.

1.11 A public right of way runs parallel to the northern boundary of the site.

1.12 The York Green Belt surrounds the site to the north and west. No part of the site is within the Green Belt.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/77/131/0017C - 2,000 gallon underground petrol tank and petrol pump; granted 27 October 1977.

2.2 2/82/131/0017F - Security fencing; granted 3 June 1982.

2.3 2/86/131/0017H - extensions to existing warehouse and offices and formation of vehicular access; granted 3 July 1987.

2.4 2/87/131/0017J - siting of a gas tank; granted 21 January 1988.

2.5 2/95/131/0017P - Levelling of existing waste ground and creation of a roadway; withdrawn 9 May 1995.

2.6 2/02/131/0017R - Extension to warehouse; granted 30 December 2002.

2.7 07/00177/BOC – breach of condition of 02/02048/FUL; case closed 8 January 2008.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant local and national policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP12 - Priorities for employment development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

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 DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Wish to see application refused for the following reasons:

- No assessment had yet been made by the Highways Dept and the traffic assessment provided by the applicant was misleading as it took no account of the congestion on Station Lane at school arrival and departure times. Despite a weight restriction of 7.5 tonnes on Station Lane there could be an increase in

the number of overweight vehicles using the route. The exit from the site already has restricted visibility to the west with regard to the railway bridge and which could be a significant danger. Highway improvements would be essential.

- It is also noted that the applicants own report on noise admits that there would be unacceptable noise levels on the site and that even the building of an acoustic barrier would not prevent noise being detrimental to the owners and occupiers of properties in Dawnay Garth and Station Lane.
- The Parish Council reiterate their comments with regard to the site currently in use by the applicants at Tholthorpe and their other comments.
- There are concerns that with the poor condition of units on that site the proposed development could become a significant eyesore, clearly very visible from the east coast main line and visually detrimental to the approach to York by train. The site would also be visible from the Tollerton Rd.
- The proposed modular offices remain unacceptable both by their construction and colour.
- The arrangements for demolition is also queried with the possibility of asbestos contamination during demolition.
- The large areas of hardstanding could cause problems with flooding as surface water from the site currently discharges into a ditch alongside Clifford's Way which already runs to capacity in wet weather and Yorkshire Water have commented on this.

4.2 NYCC Highways - The proposed change of use from class B8 to class B2 is likely to result in additional associated vehicle movements. However there will also be a significant reduction in the size of buildings on the site and it is expected that the number of additional vehicle movements will be very minor. Concern has been raised about vehicles, particularly HGVs, using Station Lane. Station Lane is subject to a 7.5 ton weight restriction which commences to the east of the site. Whilst there is an exemption for access purposes, this would not apply to any HGV associated with the site. Any HGV driver travelling to or from the site via the restricted section of Station Lane would be committing an offence and may be prosecuted. The revised plan referenced PKA/1/008A shows a parking layout that does not work. Amended details are required and the following conditions shall be attached to any planning permission granted: details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.

4.3 Environmental Health officer - Concerns regarding noise from activity on site.

4.4 Network Rail - No objection in principle. Comment on drainage, excavations/earthworks, security of mutual boundary, fencing, method statement/fail safe/possessions, commencement of works, demolition, vibro impact machinery, abnormal loads, cranes, two metre boundary, encroachment, trees/shrubs/landscaping, lighting.

4.5 NYCC Footpaths - No responses received as at 04.09.14.

4.6 Yorkshire Water - Comment on waste water and surface water.

4.7 Kyle & Upper Ouse Internal Drainage Board - No observations.

4.8 Neighbours notified and site notice posted; consultation period expires 12.09.14 - 24 responses in summary mainly concerning:

- Impact on nearby residential area.
- Increased vehicles, traffic and congestion.
- Adverse impact on highway safety.
- Traffic speeds.
- Increased vehicles passing school and potentially causing accidents.

- Alterations to highway infrastructure.
- Access rights.
- Past and present boundary changes.
- Surface water drainage.
- Increase in noise.
- Noise from forklift trucks.
- Operational hours.
- Increase in pollution.
- Likely land contamination.
- Current level of usage of warehouse.
- Trees on site.
- Landscaping scheme.
- Impact on jobs.
- 20m separation to eastern boundary of site as part of 2002 planning application.
- Impact on Green Belt.
- Visual intrusion.
- Increase in criminal activity.
- Impact on character of local area.
- Impact on property values.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the change of use in this location, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, and any highway safety issues that may arise.

5.2 The site is predominantly within the development limits of the service village of Shipton where development is supported. The site has an established use for B8 Use Class purposes which relates to storage and distribution. A judgement needs to be made as to the appropriateness of a B2 Use Class (General Industrial) and how compatible it would be to the locality. In reaching this judgement the fall-back B8 use needs to be borne in mind in comparison to the B2 use and the potential harm that this could give rise to. It is particularly important to take account of the amenities of residential property in the locality when considering the scheme. The revised site layout and restrictions over the use of certain areas of the site at differing times, along with measures to reduce the noise emissions from the site detailed with the additional information received on 12 and 18 August 2014 are sufficient to ensure that the future use is not harmful to neighbour amenity. The change of use in this location is acceptable in principle.

5.3 The demolition of buildings on site would not result in a harmful visual impact on the street scene. The proposed boundary upgrade would not detrimentally affect the character and appearance of the locality nor would the proposed office building which is noted as being recessed in the site. The storage of modular buildings on site is noted. In consideration of the visual impact of these stored structures the fall-back storage use on the premises needs to be considered. Taking into account the established use on site along with the potential to improve landscaping to the periphery of the premises it is not considered that there would be an adverse visual impact on the locality of the proposed use.

5.4 The relationship of the site and the boundary of the York Green Belt which bounds the site on its north, west and part of its southern boundary is noted however the proposed storage of modular units is considered no more detrimental to the functions of the Green Belt, as set out in the NPPF, than the existing storage of trailers which was observed at the time of the application site visit.

5.5 The proposed change of use from class B8 to class B2 is likely to result in additional associated vehicle movements. However there will also be a significant reduction in the size of buildings on the site and that the number of additional vehicle movements will be very minor. Concern has been raised about vehicles, particularly HGVs, using Station Lane. Station Lane is subject to a 7.5 ton weight restriction which commences to the east of the site. Whilst there is an exemption for access purposes, this would not apply to any HGV associated with the site. Any HGV driver travelling to or from the site via the restricted section of Station Lane would be committing an offence and may be prosecuted under separate legislation. The proposed change of

use would not have an adverse impact on highway safety subject to the conditions recommended by the local highway authority.

5.6 The neighbour comments are noted. In response to those which have not already been addressed:

- No changes to the highway infrastructure have been requested by NYCC Highways.
- Access rights are a civil and not a planning matter which would form a material consideration in the determination of this application.
- Proposed boundary improvements can be the subject of a planning condition attached to any permission granted.
- Full details of surface water drainage may be required via planning condition.
- The highway safety impact to the local residential area and school has been assessed by both the Local Planning and Highway Authority.
- The current level of usage was observed at the time of the application site visit and forms the fall-back position to the proposed change of use.
- A belt of landscaping and the retention of existing landscaping has been demonstrated on the revised site layout plan received on 12 August 2014.
- The impact of the proposed change of use on local and regional employment is recognised.
- The separation to the eastern boundary of the premises is noted and as formed part of the discussions between the Council and the applicant in negotiating the most recent set of amendments.
- A robust landscaping scheme of vegetation acceptable to Network Rail, and required via planning condition can satisfactorily screen any stored modular buildings to the locality and railway.
- The commercial use of the site would be maintained as would robust boundary treatment to the site, however it is recognised that the submission via planning condition for how the applicant would maintain and improve site security would reduce the potential for criminal activity.
- The operational hours of the proposed use can be the subject of a planning condition.
- The applicant has offered to fit the fork lift trucks with beepers which emit 'white noise'; this can form the subject of a planning condition.
- Impact on property value is not a material planning consideration and cannot be taken into account in appraising this application.

5.6 Taking the above into account the scheme is considered to be in accordance with the policies of the Hambleton Local Development Framework and this scheme is recommended for approval.

6.0 SUMMARY

6.1 The proposed development would be acceptable in principle, would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not raise any adverse highway safety issues. The proposal is in accordance with the policies set out in the Local Development Framework and is therefore considered acceptable.

6.2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 It is recommended that planning 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 drawings numbered PKA/1/002, PKA/1/003, PKA/1/004G and PKA/1/005C received by Hambleton District Council on 21 January 2014, 12 August 2014 and 2 September 2014 and the noise assessment, transport assessment, email and supplementary noise assessment received by

Hambleton District Council on 1 May 2014, 12 August 2014 and 18 August 2014 unless otherwise approved in writing by the Local Planning Authority.

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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 and cycle parking
 - (ii) Vehicular turning arrangements
 - (iii) Loading and unloading arrangements.No part of the development shall be brought into use until the approved parking, unloading 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.
4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
5. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) On-site materials storage area capable of accommodating all materials required for the operation of the site.The approved areas shall be kept available for their intended use at all times that construction works are in operation.
6. 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.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 6 above.
8. Prior to commencement of development, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.
9. Prior to the commencement of development a method statement detailing the proposed demolition and refurbishment of structures on site shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.
10. No structures shall be sited within 2 metres of the western boundary of the site which is adjacent land belonging to Network Rail.
11. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme

has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

12. No external lighting shall be installed on site except in accordance with details which have first been submitted in writing to and approved by the Local Planning Authority. Thereafter the external lighting shall be installed in accordance with the approved details.
13. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
14. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
15. No fork lift truck shall operate on site unless it has been fitted with a "white noise" reversing alarm unless otherwise agreed in writing by the Local Planning Authority.
16. No openings shall be created to the eastern elevations of the retained warehouse structures on site.
17. No works shall occur outside of the retained warehousing other than that detailed in the email received by Hambleton District Council on 12 August 2014 and the supplementary noise report received by Hambleton District Council on 18 August 2014 unless otherwise agreed in writing by the Local Planning Authority.
18. No vehicle movements shall occur outside of the hours 6am and 8pm on weekdays and no vehicle movements shall occur at weekends and bank and public holidays between the purple line and the eastern boundary of the site indicated on the revised site layout plan received by Hambleton District Council on 12 August 2014 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP30 and DP32.
3. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. In the interests of the safe operation of the adjacent railway.

9. In the interests of the safe operation of the adjacent railway and local amenity.
10. To ensure the safe operation of the adjacent railway.
11. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
12. In the interests of local visual and neighbour amenity and the safe operation of the adjacent railway.
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.
14. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
15. In the interests of neighbour amenity.
16. To safeguard noise emissions to the locality in the interests of maintaining neighbour amenity.
17. In the interests of neighbour amenity.
18. In the interests of neighbour amenity.

Attention is drawn to the following Informatives:

1. The proposals the subject of condition 3 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
2. The landscaping details submitted shall take account of the following tree species which are supported by Network Rail: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina".
3. The demolition method statement referred to in condition 9 should address the issue of the route any abnormal loads to the site will make during the construction phase. The route should if possible avoid the use of Network Rail assets.

Parish: Sutton-on-the-Forest
Ward: Huby Sutton

Committee Date : 18 September 2014

Officer dealing : Mrs H M Laws
Target Date: 4 August 2014

14/01198/REM

2

Reserved Matters application for the construction of a detached dwelling and garage as amended by plans received by Hambleton District Council on 15 July 2014.. at Rutland House 4 The Gowans Sutton On The Forest North Yorkshire for Mr Peter Gripton.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies on the northern side of The Gowans approximately 50m west of the junction with Carr Lane. The site currently forms part of the side garden of Rutland House, a detached dwelling that lies at an angle on the corner of The Gowans with Harland Close. The garage, access and driveway of Rutland House lie within the application site boundary.

1.2 The site covers an area of 400 sqm with a frontage onto The Gowans of approximately 23m and a maximum depth of 23m.

1.3 Outline planning permission, with all matters reserved, was granted on appeal in October 2012. The reserved matters, including appearance, layout, scale, access and landscaping, are now submitted for consideration. It is proposed to remove the existing garage and construct a two storey 4 bed roomed dwelling within the plot with a single garage attached to the side elevation. The dwelling would be sited 1m from the eastern boundary with the neighbouring property at Beech Lodge.

1.4 Amendments have been submitted showing that the bathroom window at first floor in the east elevation shall be obscure glazed and top opening. An amendment has also been received that reduces the size of the garage to allow a set-back of 6m from the rear of the footway.

1.5 Additional detail was submitted at the outline application stage, illustrating the erection of a dwelling close to the boundary with the neighbouring property Beech Lodge. The footprint of the dwelling (without a garage) as shown in the appeal details was approximately 11m x 10m, 110sqm. The overall height of the proposed dwelling was shown as being the same as Rutland House. The footprint of the house as now proposed is approximately 13.5m (including garage) x 9.5m, 128.5sqm.

1.6 It is proposed to remove 3 trees from the garden, one of which has already been cut back significantly and lies at the rear of the existing garage. The other 2 trees, lie close to the boundary with the adjacent property Beech Lodge.

1.7 Planning permission was granted to construct a new garage, access and driveway for Rutland House onto Harland Close in October 2013. This has not yet been implemented.

2.0 PLANNING AND ENFORCEMENT HISTORY

2.1 12/00136/OUT - Outline application for the construction of a dwelling; refused 30 April 2012 for the following reason:

The proposed development is contrary to Local Development Framework Policies CP17 and DP32 which require development to be of a high quality of design, respect the local context and contribute positively to the townscape, whilst respecting the scale of spaces and buildings in the area. Notwithstanding the illustrative details, it is considered that the proposed dwelling would be an overdevelopment of a relatively small plot and appear cramped, thereby adversely affecting the street scene.

Granted on appeal 4 October 2012.

2.2 13/01384/FUL - domestic double garage; granted 22 October 2013.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant local and national policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - in principle have no objections to this proposal. They would however like to point out that during the build there should be some limitation on the parking of contractors' vehicles when the site is so close to the junction with Carr Lane which would be a safety issue and would also cause irritation to residents. The Parish Council are somewhat confused by this application, as the original permission contained an integral garage, the footprint for a property with an adjacent garage was too large. The Parish Council did not support the original application and not wish to see this application approved.

4.2 NYCC Highways - final response awaited.

4.3 Yorkshire Water - no comments are required from Yorkshire Water. Noted that no drainage proposals have been submitted, and previously indicated, foul water only can be drained to the public foul sewer network, with surface water previously stated as draining to soakaway.

4.4 Environmental Health officer - No objections.

4.5 Site notice/local residents -objections have been received from the resident of Beech Lodge to the east of the application site whose concerns are summarised as follows:

- National Planning Inspectors Appeal Decision Clause 13: The need for "planning conditions" to protect the current screen of plantings and trees between the proposed application and ourselves at Beech Lodge. The suggested removal of the two trees and the closeness of the proposed building layout to this screening will significantly undermine, reduce it and indeed could make it unsafe. The conditions protecting this screening need to be given in this reserved matters application and stated on how they will be preserved and what professional arboricultural advice has been given on the matter.
- As foundations are always dug wider than the footprint of the property it supports, then in the proposed layout, trenches would be dug virtually at the very foot of some of the taller and well established trees. The current screening can be preserved and not disrupted by siting of the property further away from the boundary with Beech Lodge.
- As roots on our side of the property extend and can be shown to be seen up to 5 metres from our boundary, we would request that planning conditions would ensure no digging would occur on the other side of our boundary with a distance (as given by a suitably qualified arboriculturalist) so as not to cause further environmental damage and loss of even more trees.
- In the National Planning Inspectors appeal decision Clause 11 states: "However, as a matter of principle, I agree that a condition to withdraw certain rights to permitted development is needed, in the interests of preserving the character and appearance of the local street scene. Such rights would include

- enlargements of the house and the erection of buildings and such like within the curtilage. The plan refused by the local development authority and subsequently successfully appealed, did not include an external garage, or the other additions now shown in the layout. The request for these new enlargements and extra buildings now in the reserved matters application should not be included as it clearly goes against the National Planning Inspector's guidance, and also the guidance given by the council on dealing with reserved matters applications.
- Reserved Matters Application Footprint (an overall increase of 18%), possibly more, difficult to tell with no dimensions on the layout
 - The only other issue with the layout we have is obviously the proposal of the bathroom window on the upper floor which would directly overlook our back garden from height and would be reasonable to consider this forms a serious invasion of privacy. Again setting back of the property and protecting the current screening with planning conditions would help allay this problem. Although the window could be made of frosted glass the need for ventilation to open them, or a subsequent change of window format later on in life would be highly invasive because of its situation, it also immediately sets a bad precedent for the future by having it there and so close to the boundary. In addition our nearest inhabitable room is in fact only 10 meters from the boundary, well within the minimum distance guideline (Measurement C) recommended of 14 metres.
 - The property as was originally proposed with the internal garage in the Appeal and sited a reasonable distance from the boundary with Beech Lodge offers a good compromise that should be acceptable to all parties. The application had been agreed already by Mr Gripton before the Appeal stage, so surprised that it's now grown by over 20% since then. This is why we did not appeal against the National Planning Inspector's decision, it was a very reasonable compromise that gave a good solution all round, and which all reasonable parties we understood were happy with.
 - Having read the additional information letter and its limited understanding of this serious issue we feel it is very important now please to have planning conditions placed upon the well-established, mature, tall and healthy trees and hedging that comprise the screen between our house and the proposed new development. (Including the substantial tree that was proposed to be removed). These trees are not low value but have high amenity in the screening of the new development and for their environmental wildlife benefit. The trees are in very good health, mature, tall and have been established for around 30 years, they have not until now been highlighted as a problem to anyone. The Appeal inspector strongly intimated that planning conditions should be used to ensure both now and in future the visual impact of a very high wall across our back garden should be lessened.
 - The damage to the roots and soil structure that the proposed siting would have is confirmed in Mr and Mrs Gripton's letter. The suggestion to keep digging and see if the trees fall over is not serious and shows it has not been properly considered even after all this time and discussion. To dig so close to these trees is dangerous to both property and person on either side of the boundary. A professionally qualified arboriculturalist should be consulted by the applicant. There is no statement in the reserved matters application as to the effect of digging so very close to the base of the trees. As a start can we suggest Mr and Mrs Gripton along with their architect consult BS5837: 2012 Trees in relation to Design, Demolition and Construction which recommends an area of at minimum 12 times the diameter of the tree trunk as being protected from digging.
 - To have the original outline application be modified by the planning department and the applicant, following numerous concerns and observations from residents, parish council and the planning committee on spacing. To have this substantially reduced application granted on appeal and then for Mr and Mrs Gripton to reverse back to the original but much larger proposal and which was never approved at the outline application or the appeal stage seems to us an abuse of the planning process. Indeed the planning inspector was so concerned about the spacing and impact on the street scene etc that he recommended removing permitted rights development. These new additions should follow a proper planning procedure and not come up at reserved stage. A 20% increase in the size of the development is very significant and conflicts with guidance given on the reserved matters application guidelines we have seen on the national planning portal.
 - Reserved Matters we had understood should be in line with the outline planning application that was approved. Substantial new additions which cumulatively this has, should be treated as part of a new planning application not at a reserved matters stage.
 - The additional information proposes use of frosted glass and one of the windows being fixed. However it is directly above our back garden, sited close to the boundary, and is directly opposite our young son's

bedroom window. It would also be several metres less than the recommended distance C of 14 metres from our main dining room window which is 10 metres from the boundary we would quite naturally feel constantly overlooked. Frosted window although of some help, it is not a permanent solution and can be changed over time and altered to a different level of glazing and to different opening formats. Level of frosting can be reduced. Opening a window in summer (unless the condition is any opening needs to be 1.7m above floor level) means that our garden would then be overlooked with a significant loss of privacy that this entails. To avoid future conflict it would be simpler to not have a window directly overlooking our back garden as one of the detailed conditions.

5.0 OBSERVATIONS

5.1 The principle of the development has been accepted with the approval of the outline permission in 2012. The issues to be considered with this reserved matters application include the layout, scale and appearance of the dwelling, landscaping and access with regard to the impact on the character and appearance of the surrounding area, the effect on residential amenity and highway safety.

5.2 All matters were reserved at the outline stage. The scheme submitted with the outline application was indicative only and was not approved as part of that application. The Local Planning Authority must therefore consider afresh the submitted scheme. It is important that the layout (including the access to the site), scale, design and materials of the proposed development are in keeping with the character and appearance of its surroundings.

5.3 The dwelling is relatively large in relation to its plot and extends across almost the full width. This is reflective of other dwellings in the immediate vicinity, particularly the newer part of The Gowans at the western end of the residential estate where the density is higher with dwellings positioned closer together. Adequate space would remain between Rutland House and the new dwelling. The relationship between the proposed dwelling and the neighbours was recognised by the Inspector when the conclusion was reached that the provision of an additional dwelling was acceptable. The circumstances on the site and in the surroundings have not changed significantly. The appeal decision is a material consideration and the conclusion is reached that the development would not detract from the character of the street scene or appear unduly cramped. The amount of amenity space available to the new dwelling would be less when compared to other plot sizes in the vicinity but not to the detriment of future occupants as there would be sufficient area for sitting out and drying washing.

5.4 The Inspector in his decision letter considers that although "the side wall (of the proposed dwelling) would be close to the boundary with Beech Lodge, there would still be a significant space between the new building and the neighbour's garage and the house beyond it" and does not consider the sense of spaciousness would be materially harmed. The dwelling as proposed is larger than as shown on the previously submitted illustrative scheme but must be considered on its own merits. The proposed dwelling would also lie close to the boundary (1m) and it is not considered that it would detract from the appearance of the street scene in respect of spaciousness and its relationship with adjacent dwellings.

5.5 The Inspector also made reference to the existing vegetation that lies along the boundary between the application site and Beech Lodge, most of which is within the garden of Beech Lodge and therefore outside the control of the applicant. The Local Planning Authority would not be able to impose a condition requiring its retention as it falls outside the scope of the planning application.

5.6 One of the 3 trees to be removed within the application site is of no merit in respect of its appearance or screening benefits and therefore there are no objections to its removal. The two trees adjacent to the boundary are of greater merit but lie to the rear of the proposed dwelling and would not therefore provide any useful screening between the properties. The most appropriate screening is that which lies within the neighbouring garden and, although conditions cannot be imposed to directly require its retention, conditions can be imposed to protect it from damage caused as a result of the construction of a new dwelling.

5.7 It is suggested that a scheme of works could be agreed prior to the commencement of the development to protect the trees and their roots. A condition could also be imposed to prevent the pruning of the trees on the boundary without prior permission from the Local Planning Authority.

5.8 There is significant concern raised regarding the potential impact of the proposed development on the amenity of the surrounding properties. The proposed siting of the dwelling is in close proximity to the boundary with Beech Lodge. The dwelling at Beech Lodge lies at an angle on its plot and straddles The Gowans and Carr Lane, in a similar way to Rutland House straddling the other street corner. Neither the side nor rear elevations of Beech Lodge therefore look directly onto the boundary with Rutland House. There is a distance of approximately 9m between the boundary and the garage of Beech Lodge and a distance of approximately 17m between the boundary and the closest part of the rear elevation of the two storey part of Beech Lodge. The side elevation of the proposed dwelling would not therefore result in overshadowing or a sense of enclosure from inside Beech Lodge due to the separation distance.

5.9 The proposed first floor window in the side elevation of the proposed dwelling facing onto Beech Lodge lies at a distance of approximately 18m from the existing dwelling. This window would be obscure glazed and open-able at the top. A condition can be imposed to ensure the window is obscure glazed and non-open-able unless the parts of the window that can be opened are more than 1.7m above the floor of the room in which the window is installed, which is in accordance with normal permitted development rights.

5.10 It is not considered that the construction of a dwelling on the site will have an adverse impact on the residential amenity of neighbouring properties and is therefore in accordance with LDF Policy DP1.

5.11 The Highway Authority's final comments have not yet been received; no objections were raised at the outline application stage. Amendments have been submitted addressing the Highway Authority's initial concern regarding the distance between the garage and the rear of the footway.

5.12 All of the concerns raised by neighbours have been given consideration in the preparation of the recommendation of the application. The proposed development as amended achieves the requirements set out in the decision on the outline application and is found in the light of the Development Plan policies to be acceptable; approval of the application is recommended.

6.0 SUMMARY

6.1 The siting, scale and design of the proposed dwelling is sympathetic to the street scene and would not significantly impact on residential amenity and highway safety. The application is in accordance with LDF Policies CP1, CP2, CP4, CP17, DP8 and DP32.

6.2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 Permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin no later than two years from 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development shall take place pursuant to Classes A, B or E of Part 1 of Schedule 2 of the Order.

4. Any window above ground floor in the east elevation hereby approved shall be (i) obscure glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
5. Prior to the commencement of development a scheme of works to protect the trees and their roots along the eastern boundary of the application site (within the application site boundary only) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved scheme.
6. No lopping or pruning of the trees on the eastern boundary of the application site (within the application site boundary only) shall be undertaken without prior written permission of the Local Planning Authority.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2281-1a, 2281-2a, 2281-3a and 2281-4 received by Hambleton District Council on 9 June and 15 July 2014 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP1, CP17, DP1 and DP32.
4. To protect the amenities of residential property nearby in accordance with LDF Policy DP1.
5. To protect the amenities of residential property nearby in accordance with LDF Policy DP1.
6. To protect the amenities of residential property nearby in accordance with LDF Policy DP1.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Thirsk
Ward: Thirsk

Committee Date: 18 September 2014

Officer dealing: Miss A J Peel

Target Date: 9 May 2014

14/00561/MRC

3

Discharge of conditions 1-6 of Planning Permission 08/00654/REM and amendments to dwelling by variation of condition 7 with amended plans 3612-02, 03 & 04. at 18 Byland Avenue Thirsk North Yorkshire YO7 1DH for Mr M Snelling.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The site is located at the southern end of Byland Avenue in Thirsk. The street is a cul-de-sac that accommodates several single storey detached bungalows. A reserved matters application was granted in June 2008 for construction of a 4 bedroom dormer bungalow with double garage. Construction work has since commenced and the dwelling has not been constructed in accordance with the approved plans.

1.2 The greater flexibility for planning permissions guidance states "a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved". It is considered that whilst the changes to the dwelling alter its appearance and scale it does not result in a development which is substantially different from the approved scheme. The retrospective amendments to the scheme can therefore be considered under a Section 73 application.

1.3 An application has therefore been submitted to retrospectively amend the approved plans. The proposal reflects the internal layout of the approved dwelling. The main changes involve the increased height of the eaves from 2.8 metres to 3.9 metres, the positioning of the dormer windows which are now flush with the wall of the dwelling, alterations to the length, width and height of the garage, formation of accommodation in the roof of the garage, alterations to the position and creation of new windows and doors and the formation of a conservatory to the west elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 05/00361/OUT - Outline application for the construction of a detached dwelling; granted 26 May 2005.

2.2 08/00654/REM - Reserved matters application for the construction of a dwelling; granted 3 June 2008.

2.3 13/00290/CAT3 – development not in accordance with approved plans; pending (application submitted).

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant local and national policies are:

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Thirsk Town Council - Wishes to see approved, received 4 April 2014.

4.2 NYCC Highways - I refer to the above to vary conditions 4 and 7 and discharge all others. The site plan reference 3612-02 submitted in respect of condition 4 is satisfactory in principle to serve the application site

except for the use of loose gravel in the immediate vicinity of the public highway. This is already being drawn onto the carriageway of Byland Avenue and this will need to be addressed either by bonding the gravel or introducing a barrier to prevent its movement. This area was previously surfaced in concrete. I note the neighbour's concerns regarding the parking and access to Greenacres. The access is shown in the control of the applicant with a right of way to Greenacres; it would be a private matter for the neighbour to establish the full extent of that right.

Conditions 5 and 6 are highway related and the submitted details are satisfactory. Given that the works appear complete, these conditions can be discharged, received 15 April 2014.

4.3 Neighbours consulted and site notice posted - One response from nearby neighbour:

- Increased height creates overbearing and dominating dwelling.
- Contrast in design from what was approved.
- Unacceptable parking and turning area. Vehicles parking on Byland Ave. Impact on highway safety.
- Re-positioning of walls along the northern boundary to allow improved access onto Byland Ave.
- Overlooking from new window within the east elevation of the garage.
- Poor construction.

5.0 OBSERVATIONS

5.1 The issues for consideration include the suitability of the scale and design of the dwelling as well as the impact on the surroundings, neighbours' amenity and highway safety.

5.2 Paragraph 57 of the National Planning Policy Framework (NPPF) states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". Policy DP32 of the Hambleton Local Development Framework (LDF) requires that the design of all developments must be of the highest quality and in terms of scale, volume and massing, all development should contribute positively and respect the scale of spaces and buildings in the area.

5.3 There are two storey properties near to the site but these are not visible from Byland Avenue, the dwelling is therefore sited amongst small single storey bungalows. The property has been constructed with a higher eaves height than approved and it is therefore significantly larger than the neighbouring dwellings. The dwelling therefore dominates the street scene and appears out of keeping with the neighbouring properties. It is considered that the scale, volume and massing of the building has a harmful impact upon the character of the street scene and is not a positive addition to the surrounding area. The increase in the eaves height has resulted in a large expanse of brickwork to the north elevation. This elevation is viewed from Byland Avenue and is therefore the most prominent elevation of the building. It is considered that this large area of brickwork and re-positioning of the dormer windows is not of good design and is harmful to the character and appearance of the dwelling and to the street scene. The other alterations to the building, including the addition of the conservatory and alterations to the windows and doors are considered acceptable. Taking the above concerns into account it is considered that the development is contrary to the requirements of Policy CP17 and DP32 of the LDF and the guidance within the NPPF.

5.4 The neighbour to the east has raised concerns regarding the window at first floor height within the east elevation of the garage. This elevation is approximately 17 metres from the neighbouring dwelling. The window is at first floor height to a dressing room which is beyond the bedroom and en-suite. The window is not to a habitable room and is unlikely to cause unacceptable levels of overlooking. The re-positioning of the other windows and doors and the addition of a conservatory is considered acceptable and will not cause harm to the amenities of the neighbours. It is considered that the dwelling is a reasonable distance from the nearby neighbours and the increased height of the building does not cause unacceptable levels of overshadowing. Although the building is larger and out of scale with the nearby dwellings it is considered that it will not appear overbearing when viewed from the neighbouring properties.

5.5 NYCC Highways have confirmed that the site plan reference 3612-02 submitted in respect of condition 4 is satisfactory in principle to serve the application site except for the use of loose gravel in the immediate vicinity of the public highway. This is already being drawn onto the carriageway of Byland Avenue and this will need to be addressed either by bonding the gravel or introducing a barrier to prevent its movement. This area was previously surfaced in concrete. The proposal includes access arrangements onto Byland Avenue over an area that is owned by the applicant with rights of access to Greenacres. The application proposes a parking area to the east of the site which reflects the size of the parking and turning area originally proposed. It is considered that the area allocated within this application is a sufficient size. The neighbour has concerns that the access, parking and turning arrangements will result in vehicles parking on the highway. Byland Avenue is a cul-de-sac and not a busy highway. It is considered that any vehicles parking on the roadside would not cause access problems for the occupiers of the neighbouring properties or cause highway safety issues.

5.6 It is considered that the alterations to the scale and design of the dwelling are not acceptable and have had a harmful impact on the character and appearance of the street scene. The application is therefore recommended for refusal.

5.7 The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limit for the carrying out of building works is four years and the period of four years can only begin once the building works have been sustainably completed, indicated in the case of a dwelling as being ready for occupation. The agent has supplied building control inspection sheets from May and July 2009 which confirm that much of the brickwork was complete to the eaves and top of the gables, ready for the roof fitting but no windows were installed. Since then much of the remainder of the external shell of the dwelling has been constructed. It was noted during a site visit in March 2014 that the site was closed off by security fencing and there was a significant amount of building materials and equipment within the construction site. It is understood that the internal fitting of the dwelling is not yet complete and the property is not being occupied as a dwellinghouse. The applicant has confirmed that they consider that the dwelling is substantially complete and has been for more than four years. However, they have failed to supply evidence to illustrate this. If the recommendation below is accepted, an Enforcement Notice (EN) will need to be issued and served. If the applicant has information to prove that the dwelling was complete they may choose to submit that which may enable the Council to withdraw the EN or an appeal can be made against the EN and refusal of the planning application.

6.0 RECOMMENDATION

6.1 Subject to any outstanding consultations permission is **REFUSED** for the following reason:

1. The alterations to the scale and design of the dwelling do not respect the scale, volume and massing of other dwellings within the street, the development fails to contribute positively to the street scene and does not achieve a high quality of design. The proposal does not therefore meet with the requirements of Policies CP17 and DP32 of the Local Development Framework and paragraph 57 of the National Planning Policy Framework.

Parish: Thirsk
Ward: Thirsk

Committee Date: 18 September 2014

Officer dealing: Miss A J Peel
Target Date: 19 September 2014

14/01557/MRC

4

Variation of condition 3 of Planning Consent 11/02709/MRC - vary the opening times at Milano, 13 Millgate, Thirsk for Mr Peter Bardon.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Planning permission was granted to change the use of the premises from an A1 retail unit to an A5 hot food takeaway in September 2011. In February 2012 permission was granted to vary the opening times from 11.30am until 7pm to the extended hours of 11.30am until 11pm.

1.2 The unit is an end terrace property sited on the western side of Millgate in Thirsk. There are other business premises such as shops and cafes near to the site.

1.3 This application seeks consent to vary condition 3 of planning consent 11/02709/MRC which relates to opening times. The proposal is to amend the opening hours to extend from the approved hours of 11.30am until 11pm to the proposed hours of 11.30am until midnight.

1.3 The proposal is reported to the Committee as the applicant is a member of the Council.

2.0 PLANNING AND ENFORCEMENT HISTORY

2.1 11/01237/FUL: Change of use from A1 retail unit to Class A5 hot food takeaway; granted 20 September 2011.

2.2 11/02709/MRC: Application to vary condition 3 of planning approval 11/01237/FUL relating to opening times; granted 3 February 2012.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant national and local policies and any supplementary planning policy advice are:

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity

4.0 CONSULTATIONS

4.1 Thirsk Town Council - Refused. We are aware that there is frequent noise and anti-social behaviour in this area and keeping the premises open later would only exacerbate the problem. There is also a lot of litter left in the cobbled yard next to the premises. We feel it would be better not to grant this extension.

4.2 NYCC Highways - No objections.

4.3 Neighbourhood Policing Team - No objections.

4.4 Environmental Health - Further to your recent consultation I would advise you that having noted that there are no objections from neighbouring residents, that a near premises is already open at these times and there is no history of complaint from nearby residents regarding noise or loss of amenity I do not wish to object to the proposal.

4.5 Neighbours consulted and site notice posted - Comments from nearby neighbours;

- a) It is supposed to be a fish and chips shop not a pizzeria.
- b) There is already a pizza shop which is open late.
- c) Increase in noise and traffic.
- d) The site notice has not been displayed for 21 days.
- e) Competition for other businesses.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework as set out above and relate, in this case, to any impact the proposed changes may have on the amenities of the nearby neighbours and highway safety.

5.2 The application proposes to extend the opening hours by 1 hour, from 11pm to midnight, 7 days a week. The Environmental Health officer has confirmed that there is no history of complaints regarding noise and disturbance or loss to amenity from the site. They have also confirmed that other premises nearby have the same opening times as those proposed. Furthermore, the police architectural liaison officer has no objections to the proposal. It is considered that the increase in opening times by 1 hour would not intensify anti-social behaviour or noise and disturbance at the site to such a level that it would unacceptably harm the amenities of the nearby neighbours. Concerns had previously been raised that late opening of premises on Millgate may have given rise to anti-social behaviour but on the evidence of the responses to this application these previously stated concerns have been unfounded.

5.3 There are car parking facilities near to the site and the Highway Authority has no objections to the extended opening hours. It is considered that the proposal would not impact on highway safety.

5.4 With regards to the neighbour comments; the use of the site is A5 Use which is a hot food takeaway and can therefore be used for any hot food take away without requiring planning permission to change it. Increase in noise and traffic has been discussed above and has not been found to justify refusal of the proposal. The site notice was displayed on 14th August until 4th September and has therefore been displayed for the required 21 days. Furthermore, 19 of the nearest properties have been consulted by letter. It is considered that this together with information displayed on the Council's website and consultation to the Town Council demonstrates extensive public consultation. Paragraph 23 of the NPPF states that local authorities should promote competitive town centres that provide customer choice. The proposal will allow an extension to the opening times which will match other similar businesses within the area. Whilst this will increase the competition within the town centre, it is considered that this is in accordance with the aim of the NPPF.

5.5 Taking the above into account the application is recommended for approval.

6.0 SUMMARY

6.1 The extended hours of use would support the economy of the market town without significant adverse effects on the amenity of neighbours or highway safety. They therefore comply with the Local Development Framework policies noted above.

7.0 RECOMMENDATION

7.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

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

2. The premises shall not operate outside the hours of 11.30am and midnight.

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 the interest of the amenity of adjacent residents in accordance with Hambleton LDF policies CP1 and DP1.

Parish: Well
Ward: Tanfield

Committee Date : 18 September 2014
Officer Dealing: Mr J E Howe

Target Date: 16 April 2014

5

14/00361/FUL

Retrospective permission for the construction of an agricultural storage building including the housing of livestock

At Marwell, Church Street, Well, North Yorkshire, DL8 2PY
For Mr R Smirthwaite

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application for the construction of an extension to an existing agricultural building at Marwell Farm was reported to the meeting of the Committee on 1 May 2014 when consideration was deferred in order to obtain further details of surface water drainage from the building, the precise use (ie stock or agricultural storage) and potential additional screening around the site.

1.3 The building lies some 200m east of the eastern fringe of the village. The farm steading straddles the C-class road from Well to Carthorpe. Substantial ranges of buildings are located both north and south of the road. The closest neighbouring dwellings lie some 85m to the south-west and 105m to the south-east. The extended building lies further away from the neighbouring dwellings than the existing farm buildings.

1.4 A four bay building was constructed on the site following a grant of permission in 2011 and the demolition of two older buildings within its footprint. This building measured 21m x 38m and 9.5m to the asymmetrical pitched ridge roof and was stated to be for the storage of hay and fodder. The applicant subsequently, earlier this year, had the building extended in identical form without submitting further plans. Following discussions with a member of the Enforcement Team the current application was received.

1.5 With regard to the additional information which was sought (as set out in paragraph 1.1 above), the site has again been inspected and a meeting held with the applicant. The surface water from the roof of the building will be catered for by piping into existing ditches close to the building which discharge into existing soakaways within the applicant's land. The relevant works have been inspected and are complete. Discussions were also held regarding some additional screening to soften the impact of the building from longer views in the area. Instead of new planting, the existing mature hedges to the north, east and west of the building will be maintained and allowed to grow to provide increased cover. It is considered that this will be more appropriate than new planting which would take some time to mature and not be as effective. The third element for clarification was the precise use of the building. Although the application when first submitted was described as being for agricultural storage, it was noted at the time of a site inspection that stock were being housed. The comments of the Environmental Health Officer were sought and it was stated that if stock numbers were to be increased this could, potentially give rise to complaints from adjacent residents and, consequently, a management plan showing how nuisance should be prevented should be prepared. Discussions with the applicant revealed that the farm houses 160 beef cattle with 120 dairy cows and 120 followers. This number is not anticipated to increase.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been applications for the construction of five buildings on the farm since 1995 but these are not considered particularly relevant to the current application.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant local and national policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework – published March 27 2012

4.0 CONSULTATIONS

4.1 Well Parish Council: The Council has concerns as follows:

- (a) The building is significant in size with potentially an impact on nearest neighbours.
- (b) Whilst the original building was stated to be for storage of hay and fodder, cattle have been housed recently.
- (c) The submitted plans do not accurately show the respective dimensions of the original and extended buildings.
- (d) It is not appropriate that the building should have been constructed prior to a planning permission being sought and obtained. Are there any sanctions associated with retrospective applications?
- (e) If the building is used for cattle are the waste/drainage provisions adequate?

4.2 North Yorkshire County Council (Highways Authority): No objections.

4.3 Environment Agency: No objections. A response drew the applicant's attention to other elements of environmental legislation. A copy has been sent to the applicant for information.

4.4 Environmental Health Officer: Original comments –

It would appear that this is a large established agricultural operation with a certain amount of livestock, principally cattle. The application relates to an extension to an existing building which is proposed to be used for storage. It is not clear whether the extension is intended to be used for livestock.

Livestock operations can give rise to amenity issues regarding odour, flies and noise. This service has received no complaint regarding the current operation. It would be prudent to confirm whether this proposal is linked with an intention to increase or significantly alter the existing livestock operation.

If the application is not linked with an increase or significant alteration in the livestock operation I have no adverse comment to make. If this is not the case I would wish to see further details making clear how issues regarding odour, flies and noise are to be managed.

Following the receipt of further information regarding stock levels on the farm, no objections are raised.

4.6 The application was advertised by site notice at the front of the site and the three closest neighbours were consulted. No written responses have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the agricultural need for the building (Policies CP15 and DP26), the scale, design and

materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30) and any impact on adjacent residential amenity (Policy DP1).

5.2 The extended building is a substantial structure although purpose designed for bona fide agricultural purposes and constructed in identical, traditional, materials to the original building. Although substantial in scale the building does form part of the existing steading group of Marwell Farm. The applicant has confirmed that the building is to be used to service the existing farm enterprise for hay and fodder storage. Whilst the building may also be used to house livestock, the applicant does not envisage any increase in present stock levels and on this basis Environmental Health Officers are satisfied that there should be no adverse environmental effects upon nearby residential properties. Further advice has been sought however, as to whether or not the number of animals housed in the extended building should be controlled by condition and a report on this will be made at the meeting.

5.3 The distances to adjacent dwellings together with the scale of other buildings on the farm has been noted above. The extended portion of the building is further away from these dwellings than existing structures on the farm. The Environmental Health Officer has indicated that no complaints have, to date, been received regarding operations on the farm.

5.4 The building, as extended, is visible from the eastern end of the village, although it does appear as part of an existing farm group. Views from the east of the site are more restricted due to the route of the road and landscaping in the wider area. It is not, therefore, considered that the extended building will have any demonstrable adverse impact on local visual amenity or landscape character. As noted above the applicant has confirmed that existing mature hedges adjacent to the building will be maintained and trained to give additional screening from longer views in the area. The applicant has completed the works to deal appropriately with surface water.

6.0 SUMMARY

6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate for the use and purpose of the building and there will be no demonstrable adverse impact on local visual amenity, landscape character or adjacent residential amenity.

6.2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 Permission is **GRANTED** subject to the following condition:

1. The permission hereby granted shall be completed and maintained in complete accordance with the drawings (Ref 34369; 34670) attached to planning application 14/00361/FUL received by Hambleton District Council on 19th February 2014 unless otherwise approved in writing by the Local Planning Authority.

The reason for the above condition is:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

Parish: Well
Ward: Tanfield

Committee Date : 18 September 2014
Officer Dealing: Mr J E Howe

Target Date: 09 September 2014

6

14/01483/FUL

Demolition of dwelling and garage and construction of a replacement dwelling and detached domestic garage
At Silent Springs, Strait Lane, Nosterfield, North Yorkshire DL8 2QW
For Mr C Kinsell

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This is a revised application is for the construction of a replacement dwelling and ancillary garage block with integral dependent relative accommodation on land at Silent Springs which is a small estate 1 mile north of West Tanfield and 0.5 miles south of Well. Access is gained from the B6265 road 0.5 miles west of Nosterfield.

1.2 A previous application on the site for a more substantial (higher) dwelling was considered by the Planning Committee in April 2013 following an inspection of the site by members of the Committee. Consideration was deferred at that meeting in order that the applicant should have the opportunity to submit additional details of existing site levels, proposed finished floor levels and ridge heights. Subsequent meetings and discussions with the applicant's agent failed to bring forward the information required and an appeal against non-determination of the application was submitted in June 2013. A further report was presented to the July meeting of the Committee and it was resolved that had the appeal referred to not been made planning permission would have been refused for the following reason:

"In the absence of detailed information of existing and proposed floor and ground levels together with existing and proposed ridge and roof heights, all related to an identified ordnance base, the Local Planning Authority considers that the substantial replacement dwelling proposed would be detrimental to the openness and intrinsic quality of the landscape character of the area contrary to Policies CP16 and DP30."

1.3 The appeal was determined by the Planning Inspectorate in January 2014 when the Inspector concluded that: "In its proposed setting the scale, layout and overall visual impact of the development would be alien and intrusive to its surroundings and would seriously harm the character and appearance of the area." The appeal was, consequently, dismissed.

1.4 The current application has now been received and is accompanied by a statement on behalf of the applicant which does contain some similar information to the previous application but is included for Members' information as follows:

"The current dwelling was constructed in the 1930's by a returning colonial officer and built to reflect the design and accommodation enjoyed in South Africa and does not reflect the local vernacular in any respect whether in design or material use. The proposal is to replace the current dwelling and associated accommodation with a new family residence that reflects the local vernacular in a modern interpretation using local materials that reflect similar large country houses and farms dotted around the area not directly related to specific residential clusters such as villages."

"The new building is to be set slightly further back than the current dwelling but uses much of the current site area, the garaging and granny flat are to be repositioned to the rear of the new dwelling to for a secure courtyard and parking area. The site area is retained as is the garden curtilage and landscaping, the position and clustering of the whole development is well related to the current developed area and does not impact on the overall site. The building is to be two storeys to the eaves with pitched roofs in materials reflecting the local

vernacular and form associated with country houses and farms found throughout the area, the adjacent garaging and granny flat over are similar in scale to that being replaced."

"The building is to be in stone, colour and texture to reflect that found locally in the past. The roof is to be finished in slate to reflect local properties of a similar type scale and form. The windows are to be of aluminium to meet current energy conservation standards and provide a contemporary aspect to the scheme along with the use of glass balconies. The property has well established landscaped gardens which the proposal seeks to enhance, the predominant areas are to be retained with no alteration and only minor changes to extend the access and modify the garden."

1.5 The plans submitted with the current proposal still show a substantial property. However, a plan has been provided which illustrates the comparative heights and massing of the existing proposal, the existing dwelling and the dwelling previously refused on appeal. Using the basis of the existing ground levels on the site, the maximum ridge height of the existing bungalow is 7.9m, the maximum ridge height of the proposed dwelling is 8.8m whilst the height of the originally proposed dwelling was 10.2m.

1.6 Although the plans show the dwelling as having accommodation on four floors it should be noted that the basement floor is to be created by excavating into present ground levels and that the second floor utilises space entirely within the roof void of the proposed dwelling such that visually, and particularly from the limited views from the highway, the proposed dwelling appears as a conventional two-storey building. The existing garage block to the side (west) of the existing dwelling is to be demolished and the replacement garage block with integral ancillary accommodation will be re-sited directly to the rear (north) of the proposed dwelling and will not be visible from highway views. The front wall of the proposed dwelling itself is to be moved 12m back into the site from the forward most part of the existing dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/02514/FUL: demolition of dwelling and garage and construction of a replacement dwelling and detached domestic garage: Appeal dismissed 13 January 2014.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant local and national policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Well Parish Council: comments awaited.

4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.

4.3 Yorkshire Water: Awaited (no objections to the previous scheme).

4.4 Environmental Health Officer: No objections

4.5 The application was advertised by site notice at the entrance to the site and the closest neighbour was consulted. One response was received on behalf of an adjacent landowner indicating that the scale of the proposed dwelling was excessive in this location.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the principle of the construction of a replacement dwelling in this location outside the defined development limits of a settlement (Policies CP4 and DP9), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30). The content of paragraph 60 of the NPPF which advises that Local Authorities should not impose particular architectural tastes but seek to reinforce local distinctiveness is also considered relevant in this case.

5.2 It has been noted above that the site is outside any recognised settlement but, nevertheless, has been in residential use for in excess of 80 years. The current property is not an attractive feature or of local style and the applicants state that it is poorly insulated and has suffered from a lack of maintenance prior to their purchase such that extension/conversion is not practicable. They wish to construct a new property appropriate for current family needs with a high level of insulation and reduced energy consumption. Such a proposal in principle is in accordance with Policy DP9 which states that such schemes are acceptable "where it constitutes replacement of a building where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion."

5.3 Notwithstanding the acceptability in principle of such a proposal under Policy DP9, it is a key consideration that new development should not cause harm to the openness, intrinsic character and quality of the District's landscape as required by Policies CP16 and DP30. It has been noted in paragraphs 1.2 and 1.3 above that the previously submitted scheme, although set back into the site, which had significant existing landscaping, was open to objection on these grounds as the proposed ridge of the dwelling was some 2.3m higher than that of the existing dwelling. After careful consideration at two meetings of the Committee and with the benefit of a site inspection Members resolved that, had an appeal against non-determination not been submitted the application would have been refused on those grounds.

5.4 The revised scheme which has now been submitted has sought to address these issues by reducing the overall height of the dwelling by 1.4m (ie now 0.9m more than the existing dwelling) by creating additional basement accommodation through ground level excavation and by incorporating second floor accommodation primarily within the eaves/roof space to give an impression of a conventional two-storey dwelling. The proposed dwelling still remains substantial in form although by re-siting some 12m within the site its overall visual impact is reduced. As noted above, there is significant existing planting within the curtilage and the applicants propose to enhance and supplement this. Views from the adjacent highway are limited and the property is not obtrusive in the overall local landscape. However, the information submitted with the application regarding proposed ground levels is limited and the applicant has been asked to provide additional information on this issue prior to the Committee meeting.

5.5 Details of the design and materials proposed have been referred to in paragraph 1.4 above. The design is considered to be a mix of traditional scale and massing of a house of this type with natural materials but including modern detailed elements appropriate for the 21st century. It is considered that the design of the dwelling is in accordance with paragraph 60 of the NPPF which states that : "Planning Policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to promote or reinforce local distinctiveness." It is considered that the current submission appropriately meets the aim of the NPPF and accords with the requirements of the LDF policies identified.

5.6 Whilst the Appeal decision published in January of this year was considered to have been an appropriate response to the previous scheme, the modifications made in respect of the current submission,

are considered, on balance, to warrant a grant of permission in this case, subject to the confirmation of the proposed ground levels being received and considered satisfactory.

6.0 SUMMARY

6.1 It is considered that this revised proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework in that the dwelling, although larger in scale than the dwelling to be replaced is relocated further into the site, is of a high standard of modern design, will utilise natural materials and create a dwelling appropriate for modern use with significantly improved levels of insulation and reduced energy consumption with no demonstrable adverse impact on local visual amenity or landscape character.

6.2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

Permission is **GRANTED** subject to the submission of satisfactory information from the applicant regarding the ground levels and the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
 - (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
5. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

- 6. 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. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The method of coursing of stonework, the mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.
- 7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
- 8. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
- 9. The ancillary accommodation hereby permitted within the garage block shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Silent Springs and shall form and shall remain part of the curtilage 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.
- 10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 1184-02; 1184-03 Rev.3; 1184-04) received by Hambleton District Council on 15th July 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. In the interests of highway safety.
- 3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

6. 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 Policies CP16, DP30, CP17 and DP32.
7. In order to soften the visual appearance of the development in the local landscape in accordance with Hambleton District Wide Local Plan Policies CP16 and DP30.
8. To ensure that the development is appropriate to its visual environment in accordance with Policies CP16 and DP30.
9. The proposed ancillary accommodation is not suitable for separate occupation in view of the location outside defined settlement limits in accordance with Local Development Framework Core Strategy Policy CP4.
10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, DP30, CP17 and DP32.