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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Louise Hancock (01609 767015)

Wednesday, 8 October 2014

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**

Date **Thursday, 16 October 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

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 18 September 2014 (P.13 - P.14), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 40
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.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 18th September, 2014 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	B Phillips
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Apologies for absence were received from Councillors Mrs M Skilbeck

P.13 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 21 August 2014 (P.11 - P.12), previously circulated, be signed as a correct record.

P.14 **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) 14/00141/FUL - 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

PERMISSION GRANTED as amended by conditions set out in the supplementary information and two additional conditions in respect of protected species and the prohibition of stacking of modular buildings.

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

(Mark Danter spoke on behalf of Shipton Parish Council objecting to the application.)

(John Crompton spoke objecting to the application.)

- (2) 14/01198/REM - 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

DEFER to consider issues of siting, protection of trees on neighbouring land, size of the proposed building and to carry out a site visit.

(The applicant, Peter Gripton, spoke in support of the application.)

(John King spoke objecting to the application.)

- (3) 14/00561/MRC - 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

PERMISSION REFUSED

(The applicant's agent, Ken Wood, spoke in support of the application.)

(Mrs Langley spoke objecting to the application.)

- (4) 14/01557/MRC - Variation of condition 3 of Planning Consent 11/02709/MRC - vary the opening times for Mr Peter Bardon at Milano, 13 Millgate, Thirsk

PERMISSION GRANTED

Disclosure(s) of Interest

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

- (5) 14/00361/FUL - Retrospective permission for the construction of an agricultural storage building including the housing of livestock for Mr R Smirthwaite at Marwell, Church Street, Well

PERMISSION GRANTED subject to the recommended additional management plan condition.

- (6) 14/01483/FUL - Demolition of dwelling and construction of replacement dwelling and detached domestic garage for Mr C Kinsell at Silent Springs, Strait Lane, Nosterfield, Bedale

PERMISSION GRANTED

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

The meeting closed at 3.00 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 16 October 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 16th October 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/01558/ADV Mr J Howe Aiskew Page no. 8	Free standing illuminated totem sign board and illuminated display signs For: Exelby Services Ltd At: Exelby Services Ltd, Coneygarth, Leases Road, Leeming Bar RECOMMENDATION: GRANTED
2	14/00141/FUL Mr A Cunningham Shipton Page no. 12	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, 2 September 2014, 10 September 2014 and 25 September 2014 For: Wernick Group Ltd At: Norish Limited, Station Lane, Shipton by Beningbrough RECOMMENDATION: GRANTED
3	14/01209/FUL Mr A Cunningham Sowerby Page no. 22	Change of use of agricultural field to holiday park for siting of 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station as amended by details received by Hambleton District Council on 29 September 2014 For: Mr Bill Calvert At: Land at York Road, Thirsk RECOMMENDATION: REFUSED
4	14/01198/REM Mrs H Laws Sutton-on-the-Forest Page no. 27	Reserved Matters application for the construction of a detached dwelling and garage as amended by plans received by Hambleton District Council on 15 July and 16 September 2014 For: Mr Peter Gripton At: Rutland House, 4 The Gowans, Sutton-on-the-Forest RECOMMENDATION: GRANTED
5	14/01088/FUL Miss A Peel Topcliffe Page no. 36	Proposed rear extension of existing property to form 1 ground floor flat as amended by plans received by Hambleton District Council 9 September 2014 For: Mrs Alison Hollins At: 28 Long Street, Topcliffe RECOMMENDATION: GRANTED

Parish: Aiskew
Ward: Leeming Bar

Committee Date : 16 October 2014
Officer dealing : Mr J E Howe
Target Date: 30 October 2014

1

14/01558/ADV

Free standing Illuminated totem sign board and Illuminated display sign at Exelby Services Ltd Coneygarth Leases Road Leeming Bar for Exelby Services Ltd.

1.0 DESCRIPTION OF THE SITE, SURROUNDINGS AND THE PROPOSAL

1.1 This is a revised application for the siting and display of two illuminated signs within the western boundary of the Exelby Services Truckstop facility which lies directly to the east of the Junction 51 slip road from the A1(M) to Leeming Bar. The Truckstop complex is currently nearing completion. Details of the background to the site are set out in para 2.1 below.

1.2 The application is, specifically, for the display of a fuel price advertising totem in the south-western corner and a single sided advertising sign in the north-western corner. Both signs are entirely within the site boundary of the Truckstop complex. The application made in April of this year originally included similar signs but these were so sited that they were considered to potentially cause confusion, and thereby be prejudicial to safety, to drivers on the main A1(M) southbound carriageway. These signs were consequently, omitted from the application which also included signs at the entrance to the site and in the south-eastern corner (which were granted). The applicants have subsequently had discussions with the Highways Agency prior to the submission of this revised scheme and the submitted details are acceptable from that aspect.

1.3 The Truckstop facility has been designed and approved to cater for HGV and commercial vehicles rather than as a general Motorway Service Area (a role filled in this area by the nearby Leeming Bar Services.). There are, therefore no advanced notice highway signage for a service area and no 'brown signs' directing traffic to the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 An application for the development of the site as a Truck Stop Service Area was submitted in 2010 and was granted permission following a Public Inquiry into the provision of service facilities in the area from Leeming to Boroughbridge. The decision, made by the Secretary of State for Communities and Local Government was issued in October 2012 and concluded that: "With regard to the Site E proposal, (ie the current application site) the Secretary of State agrees with the first Inspector that there is a clear need for a Truckstop to meet the specialist need not provided for by MSAs. The Secretary of State is satisfied that the selection of Site E has been based on a thorough and wide-ranging search and that the proposal conforms in general terms with the development plan and national policy."

2.2 Details to discharge conditions attached to the planning permission were approved in 2013.

2.3 14/00597/ADV: Advertisement Consent for free-standing illuminated totem, sign boards and fascia sign: Granted May 2014.

3.0 NATIONAL AND LOCAL POLICY:

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

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Aiskew Parish Council: Wishes to see the application Refused ("It is contrary to the assurances given at the Public Enquiry. Will cause a hazard to drivers on the motorway driving towards the sign.")

4.2 Highways Agency: No objections to revised proposal.

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

4.4 The application was advertised by site notice close to the entrance to the site. There are no neighbours close to the site. The period for the receipt of representations expires on 20th October. None have been received to date.

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, highway safety and visual amenity of the proposals.

5.2 The background to the application and subsequent Inquiry is set out in section 2 above. Significant efforts were made to ensure that the facility, which the Secretary of State agreed was appropriate in this location, was designed in such a way that it did not result in any unacceptable adverse visual or amenity impact on the local area. No reference was made within the original application to advertisement signage but that would not prevent the operators from subsequently submitting applications for Advertisement Consent, as they have subsequently done in this case.

5.3 It has been noted above that the Truckstop facility is a specifically commercial-orientated complex rather than a general service area. The signs are shown to be sited so as not to cause confusion or distraction to the users of the adjacent A1(M) and, as also noted previously, the Highways Agency and Highways Authority raise no objections to this revised submission.

5.4 The observations of the Parish Council are noted. The applicants agent advises that no 'assurances' were requested or required at the Public Inquiry into the development of the site that signage would not be sought. It is considered that there is an element of confusion in the Parish Council's comments in terms of signage and lighting. Condition 24 of the permission did state that "No external lighting equipment shall be used other than in accordance with details previously submitted to and approved in writing by the local planning authority." This was to ensure that the impact of any element of the development, including the impact of lighting could be properly assessed in due course. This is not the same as an application for advertisement consent illuminated signs. The current application has been appraised and considered not to result in any significant adverse impact on local visual amenity and landscape character. Furthermore the Highways Agency and Highways Authority raise no objections to the details now put forward.

SUMMARY

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 signs are of appropriate style and form and located such that there will be no distraction to users of the A1(M) to the west of the site or significant harm to visual amenity.

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 consent in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

6.1 OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

6.2 The decision: as recommended below.

6.3 The reasons for the decision: as set out above.

6.4 Alternative options considered:

- Granting planning permission without conditions or planning obligation
- Granting planning permission with conditions
- Granting planning permission with conditions and planning obligation
- Refusing planning permission
- Recommending the application be withdrawn

6.5 Members of the Council who have declared a conflict of interest in the decision:

None.

(Note: if any Member has declared a conflict of interest, the application must be referred to Planning Committee for decision)

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

1. (i) The consent hereby granted is valid only for five years; (ii) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority; (iii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition; (iv) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority; (v) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission; (vi) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of the highway, railway, waterway (including any coastal waters or aerodrome (civil or military)).

2. The luminance of signs shall not exceed 600 cd/m² Totem / 800 cd/m² illuminated sign and the light sources shall not be visible to the naked eye of users of the highway. All external or backlit light sources shall be shielded or louvered to prevent glare or lights shining into motorists or pedestrian's eyes. Sign lighting shall not leave bare bulbs visible to the public eye.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing Ref 6162/F801 Rev.A attached to planning application 14/01558/ADV received by Hambleton District Council on 25th July 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. Standard conditions are imposed by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. In the interests of highway safety and visual amenity.

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

Parish: Shipton
Ward: Shipton

Committee Date: 16 October 2014
Officer dealing: Mr A J Cunningham
Target Date: 20 March 2014

2

14/00141/FUL

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, 2 September 2014 and 25 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 was brought before Members at the September Planning Committee meeting. Members resolved to approve the scheme subject to the conditions which were presented in the report and in the update list, and with an additional condition which precluded pre-fabricated buildings being stacked on site. Following the meeting the applicant confirmed that a condition to this effect would render the site unusable. The applicant has subsequently requested that the issuing of the decision is deferred pending the matter being re-presented to Members with an amended site layout plan which indicates areas where units can be stacked 2 high, to a height no more than 6 metres. This plan was received on 25 September 2014. Re-consultation on this additional information along with the changed operational hours of the site which were introduced prior to the last meeting is currently being undertaken. The operational hours now proposed are: office hours; 9am to 5pm, Monday to Friday, factory hours; 8am to 4:30pm (3:30pm on Fridays), with overtime hours of 7am to 6pm for the factory, and the occasional Saturday working of 7am to 12:30pm.

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.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/77/131/0017C - Installation of a 2,000 Gallon Underground Petrol Tank and Petrol Pump; Granted 1977.

2.2 2/82/131/0017F - Erection of Security Fencing; Granted 1982.

2.3 2/86/131/0017H - Extensions to Existing Warehouse and Offices and Formation of Vehicular Access; Granted 1987.

2.4 2/87/131/0017J - Siting of a Calor Gas Tank; Granted 1988.

2.5 2/95/131/0017P - Leveling of existing waste ground and creation of a roadway; Withdrawn 1995.

2.6 2/02/131/0017R - Extension to warehouse; Granted 2002.

2.7 07/00177/BOC – Breach of condition of 02/02048/FUL; Case closed 2008.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policy is:

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 (latest re-consultation expires on 11.10.14 - comments below are those received in advance of this as at 01.10.14)

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 - Recommend conditions be attached to any permission granted.

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; expires 12.09.14 - 26 responses in summary mainly concerning:

- Increased vehicles, traffic and congestion.
- Adverse impact on highway safety.
- Alterations to highway infrastructure.
- Access rights.
- Past and present boundary changes.
- Surface water drainage.
- Increased vehicles passing school and potentially causing accidents.
- Increase in noise.
- Increase in pollution.
- Traffic speeds.
- Current level of usage of warehouse.
- Trees on site.
- Impact on jobs.
- 20m separation to eastern boundary of site as part of 2002 planning application
- Impact on Green Belt.
- Visual intrusion.
- Not in-keeping with surrounding community.
- Increase in criminal activity.
- Landscaping scheme.
- Likely land contamination.
- Surface water disposal.
- Impact on nearby residential area.
- Operational hours.
- Noise from forklift trucks.
- Impact on character of local area.
- Impact on property values.
- Presence of bats.

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 adding a B2 Use (General Industrial) and how compatible it would be to the locality. In reaching this judgement the 'fallback' 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 and the revised layout plan of 25 September 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 set away from the southern boundary. In consideration of the visual impact of the stored structures the fallback 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 considered that there would not be an adverse visual impact on the locality of the proposed use. The proximity to the York Green Belt is noted however the use of the land for refurbishment and storage of modular units is no more detrimental to the Green Belt than the existing storage of trailers which was observed at the time of the application site visit.

5.4 The proposed change of use from class B8 to a mixed B2 and B8 use 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.

5.5 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 will be the subject of a planning condition attached to any permission granted.
- Full details of surface water drainage will 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 fallback 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 25 September 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 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 will satisfactorily screen any stored modular buildings to the locality and railway.
- The commercial use of the site would maintain and improve site security would reduce the potential for criminal activity.
- The operational hours of the proposed use will be the subject of a planning condition.
- The applicant has offered to fit the fork lift trucks with beepers which emit 'white noise' - this will 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.
- A condition requiring a bat survey and implementation of any mitigation measures shall be attached to any permission granted.

5.6 The areas where stacking is proposed to a height not exceeding 6m will satisfactorily safeguard the visual amenity of the street scene, will not have a significant impact upon the openness of the York Green Belt, and will protect neighbour amenity. The amended hours of operation have been considered as have the recommendations of Environmental Health. The hours of operation specified by Environmental Health have been discussed with the applicant and can form a condition of any permission granted.

5.7 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 That subject to any outstanding consultations the application is **GRANTED** subject 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, PKA/1/005C and PKA/1/004H 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, 18 August 2014 and 25 September 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, pertaining to rail safety, 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. The details shall include reference to the acoustic fence that is proposed to the eastern boundary of the site.
 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. Prior to the first use of fork lift trucks on site the applicant shall submit details of the audible warning system attached to the fork lift trucks to the Local Planning Authority for approval. The approved audible warning safety system for the fork lift trucks shall be operated and maintained in accordance with manufacturers recommendations.
 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. The work shall be undertaken or cabins moved within the application site outside of the hours of 07.30- 18:00 Monday to Friday, and 07:30-12.30 Saturday. No work shall take place on Sundays and Bank Holidays.
 19. No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12 August 2014 and the eastern boundary of the site outside of the hours of Monday-Friday 07:30-18:00. No movements shall occur on Saturdays, Sundays or Bank Holidays.
 20. No noisy activities shall be undertaken within the workshop buildings unless the doors and windows are shut.
 21. No works shall take place on cabins located externally to the factory workshop other than inside the cabins and not within 20m of the eastern boundary.
 22. Prior to development commencing a protected species survey of the buildings proposed for demolition shall be submitted to the Local Planning Authority. Any mitigation measures within the approved survey shall be implemented in accordance with the recommendations.
 23. No cabins shall be stacked on land outside of the areas designated for multi storey stacking on the drawing PKA/1/004H received by Hambleton District Council on 25

September 2014 unless otherwise approved in writing by the Local Planning Authority.

24. No cabins shall be stacked to a height of more than 6m 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.
19. In the interests of neighbour amenity.
20. In the interests of neighbour amenity.
21. In the interests of neighbour amenity.
22. To safeguard against harm to any protected species present within the buildings proposed for demolition.
23. In the interests of neighbour and visual amenity.
24. In the interests of neighbour and visual amenity.

Parish: Sowerby
Ward: Sowerby

Committee Date: 16 October 2014
Officer dealing: Mr A J Cunningham
Target Date: 27 August 2014

3

14/01209/FUL

**Change of use of agricultural field to holiday park for siting of 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station as amended by details received by Hambleton District Council on 29 September 2014
at Land At York Road, Thirsk, North Yorkshire
for Mr Bill Calvert**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application proposes a holiday park comprising 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station on agricultural land at York Road, Thirsk.
- 1.2 The site is positioned approximately 400m south of Thirsk, with good access to the A19 approximately 285m to the southeast. There are two public rights of way running through the site which would retain their current alignment. The topography of the site is flat and this is generally reflective of the overall area. There are various forms of development and land use in the area, with Thirsk Industrial Park to the east of York Road, a residential property to the immediate south and agricultural fields to the west and north, with the built area of Thirsk beyond.
- 1.3 The site is located within the open countryside adjacent to and outside of the development limits. The site is not within the Thirsk and Sowerby Conservation Area, which runs along the route of Cod Beck some 170 metres to the west of the site. There is a Site of Importance for Nature Conservation (SINC) to the north and west of the site, approximately 200 metres away at its closest point.
- 1.4 The site would comprise 30 permeable stone pads to accommodate static caravans which would be accessed by a track finished in permeable stone. A pumping station and bin store would be positioned to the front (eastern) portion of the site which would be surrounded by fencing extending to a height of approximately 2m. A grassed amenity area is proposed to be retained to the rear (western) portion of the site which would also be surrounded by 2m fencing. The boundary treatment crossing the public right of way at the boundaries of the site would be formed of a 1m high gate.
- 1.5 A Flood Risk Assessment (FRA) has been submitted in support of this application as the site is within Flood Zones 1 and 2 and concludes that "The development would be safe subject to the above provisions and would not increase flood risk elsewhere, as such the scheme is considered to comply with the objectives of the NPPF and its accompanying technical guidance".
- 1.6 The application is also accompanied by a Heritage Statement. Re-consultation on this aspect of the application expires on 11 October 2014.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policy is:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 - Utilities and infrastructure
Development Policy DP10 - Form and character of settlements
Development Policy DP25 - Rural employment
Development Policy DP28 - Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP31 - Protecting natural resources
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Sowerby Parish Council - wish to see the application approved subject to point 7.25 in the Design and Access Statement to secure the holiday use of the caravans proposed.
- 4.2 NYCC Highways - conditions recommended regarding discharge of surface water; construction requirements for private accesses and verge crossings; visibility splays; adjacent public rights of way; details of pedestrian crossing; on-site turning and parking; on-site storage; and construction traffic during development.
- 4.3 Environment Agency - provided the proposed development is in accordance with the submitted FRA then we have no objections. Should soakaways prove to be ineffective for the disposal of surface water from this site, please re-consult us so we can comment on the alternative means of surface water drainage.
- 4.4 Ramblers Association - no objection. Note the two public footpaths crossing the site and that these must remain in situ unless legally diverted, the definitive line must be suitable for pedestrians at all times with no hazard from moving traffic, any gates, stiles etc. being to the relevant British Standard.
- 4.5 Swale and Ure Drainage Board - the site lies outside the Board's area but Byelaw No.3 requires the Board's consent for introduction of water into the district. This is to prevent the development from increasing flood risk elsewhere. The paved area will increase the rate of run-off and the Board requires that any such increase be limited to 1.4 litres per hectare of paved area. The use of sustainable systems is supported but the FRA needs to quantify the net increase in run-off to prove that it will work.
- 4.6 NYCC Footpaths - condition recommended to avoid obstruction of public rights of way.

- 4.7 Environmental Health - no objections; recommend that a condition is attached regarding the need to obtain a Caravan Site Licence under the provisions of the Caravan Sites Control of Development Act 1960.
- 4.8 Yorkshire Water - comments regarding waste and surface water drainage and conditions recommended regarding these.
- 4.9 Neighbours notified and site notice posted; expired 06.08.2014 - 5 responses received mainly concerning:
- The development would prevent further industrial development
 - Impact on highway safety
 - On-site accommodation would be required in future
 - Impact on neighbour amenity
 - The viability of a holiday park in this location
 - Conflict with policy CP4 of the Hambleton LDF
 - Impact on character of locality
 - There is no detailed landscaping scheme
 - Uncertainty over the type of caravans
 - Impact of the lighting of the holiday park
 - The impact of a raised bund adjacent to the boundary
 - The principle of development in this location
 - The site access
 - Site drainage
 - Waste storage on site
 - Flood risk
 - Impact on public footpaths
 - Pedestrian connectivity with Thirsk
 - The site is not suitable for tourism development
 - Impact on local visual amenity
 - Overlooking of the neighbouring dwelling
 - Impact on views of the surrounding area
 - On-site parking
- 4.10 Concerns have also been expressed about the position of the site notice. This was attached to a nearby lamp post in York Road, meeting the statutory requirement that such notices are posted on or near the application site.
- 4.11 Two further objections have been received in respect of the Heritage Statement, noting (i) the existing landscape screening varies with the seasons; (ii) details of any additional planting are not specified and would take several years to reach maturity; (iii) the height of caravans may have been understated; (iv) the siting of the site management office or shop, staff car parking, gas bottle or bulk gas storage facilities and firefighting provisions are not provided; (v) the application does not rule out all-year-round occupation of caravans; (vi) previous comments about the adequacy of the access; and (vii) opposition to development beyond Development Limits without evidence that it is essential to locate the caravan park there in order to support a sustainable rural economy.

5.0 OBSERVATIONS

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

- 5.2 The site is outside of the development limits of the Thirsk and Sowerby service centre defined in policy CP4 of the Hambleton Local Development Framework (LDF). This policy supports development in locations outside of development limits where an exceptional case can be made for the proposals in terms of policies CP1 and CP2, which relate to sustainable development and minimising the need to travel, and where it is necessary to meet the needs of tourism with an essential requirement to locate in the countryside and where it will help to support a sustainable rural economy. The site is sufficiently well connected to Thirsk to comply with policies CP1 and CP2, and is necessary to meet the needs of tourism. In terms of policy CP4 it is in principle acceptable.
- 5.3 LDF policy CP16 protects natural and man-made assets. Development or activities will not be supported which have a detrimental impact on the interests of a natural or man-made asset. The proposed development represents a significant incursion into Sowerby Flatts, an open area separating Thirsk and Sowerby. Development in this area has the potential to harm the setting and the open character of Sowerby Flatts and in turn affect the setting and separation of Thirsk and Sowerby. The 2010 Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document states:
- "This area is important in maintaining the separation between Sowerby and Thirsk and by allowing the two settlements to be viewed from a distance. Whilst there are many character areas within this open space e.g. grazing, recreation, sport, footpaths, paddocks and gardens; essentially it is open. Cod Beck runs through the centre of the open area, linking Thirsk with Sowerby Town End. Whilst the Beck runs to the eastern side of the Flatts, it is the whole open area which contributes to the character in this space."
- Development has historically been resisted along York Road due to the impact on this character area. The formation of a caravan park would have a significant adverse impact on the form and character as well as the setting of this open space.
- 5.4 Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on significance. The heritage statement received on 29 September 2014 concludes that "in general the setting of the proposed site will integrate with the surrounding area by having a boundary softened by the existing and, where necessary, enhanced hedgerow". Notwithstanding this conclusion it is considered that the form and character as well as the setting of the open space which comprises the Sowerby Flatts would unacceptably be harmed both by the intrusion of the proposed structures, which landscaping would take time to soften, and the fact that allowing development in this area would make resisting future incremental proposals difficult and would gradually erode the natural asset of Sowerby Flatts. In reaching this conclusion, it is relevant to take account of the public footpaths crossing the site, which mean that even with boundary landscaping, the presence of development in this currently open area would be perceived from the public realm. The scheme is therefore contrary to policies CP16, DP10 and DP28 in this regard.
- 5.5 The nearest dwelling of Oakfields is to the south-east of the site. It is considered that the separation distance to the application site, and the activity generated by the proposed use would not have a harmful impact on neighbour amenity.
- 5.6 The Environment Agency has not objected to the proposal subject to the implementation of the recommendations contained within the Flood Risk Assessment. The proposed development would be in compliance with policy DP43 of the Hambleton Local Development Framework.

- 5.7 The Highway Authority recommends that the proposed development would, subject to certain conditions, be satisfactory from a highway safety perspective. The scheme is considered acceptable in that it would not have an adverse impact on highway safety.
- 5.8 The positive credentials of the scheme in terms of flood risk, neighbour amenity, highway safety, and connectivity to Thirsk cannot outweigh the significant adverse impact of the development on the form and character of Sowerby Flatts as well as the setting of this open space and, in turn, the setting of Thirsk and Sowerby within the local landscape. Consequently this scheme is recommended for refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is contrary to policies CP16, DP10 and DP28 of the Hambleton Local Development Framework in that the formation of a caravan park would have a significant adverse impact on the open character of Sowerby Flatts and the landscape setting and separation of the settlements of Thirsk and Sowerby.

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

Committee Date: 16 October 2014
Officer Dealing: Mrs H Laws
Target Date: 4 August 2014

4

14/01198/REM

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 Members resolved to defer consideration of the application at the September Committee meeting to allow further consideration to be given to the scale of the proposed dwelling and the potential impact on the adjacent trees. Members have also had the opportunity to visit the site.

1.2 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.

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

1.4 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 bedrooomed 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.

1.5 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.

1.6 Although the previous application was for outline consent with all matters reserved, additional detail was submitted at that time, 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 outline application scheme). 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) (the reserved matters scheme).

1.7 Reference is made to a discrepancy between the measurement of the proposed dwelling in the appeal documents relating to the previous application, of 95sqm (the appeal scheme). The (approximate) figure of 110sqm is established by measuring from the drawing itself. The increase from 95sqm to 110sqm is 16%. The increase from 95sqm to 128.5sqm is 35%.

1.8 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.

1.9 No amended plans have been submitted since the application was deferred. A tree report has been submitted since the application was previously presented to Members, which assesses the potential impact of the proposed development on the tree roots of the trees within the garden of Beech Lodge that are close to the boundary. A copy is appended to this report.

1.10 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.

Planning permission 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 – conditions recommended

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 included 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 Inspectors 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 its now grown by over 20% since then. This is why we did not appeal against the National Planning Inspectors 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 consent in 2012. 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,

however the details were presented to the Inspector and he states that he took this information "into account, while recognising that the details to be provided in the reserved matters are for consideration at a later date", it is reasonable to conclude that the details will have influenced the Inspector's decision.

5.2 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. It is considered 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 indicative details that were submitted at the outline application stage illustrated how a dwelling could be achieved on the site. The initial indicative plans at outline stage were considered too large and, at the request of officers, were reduced in size. As determined by the appeal inspector this illustrative detail demonstrated that a dwelling could satisfactorily be achieved on this site. A proposal for a larger dwelling, submitted at this reserved matters stage, does not contravene the 'in principle approval' given in the appeal decision.

5.4 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 a two storey detached dwelling 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 as well as the parking of cars and providing a setting to the dwelling.

5.5 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 lie close to the boundary (1m). It is considered that the position of the new dwelling would not detract from the appearance of the street scene in respect of spaciousness and its relationship with adjacent dwellings to such an extent that it would warrant refusal of this proposal.

5.6 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.

5.7 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 reduce the damage caused as a result of the construction of a new dwelling. The submitted tree report (prepared for the applicant by Ryland Horticulture Ltd) examines trial pits that have been dug within the application site to inspect the rooting pattern of the adjacent trees. The tree report notes that the development will cause damage to the root systems and reaches the conclusion that the excavations resulting from the development would have “moderate effect on the neighbouring trees, yet will not cause any long term damage as long as all works are undertaken with care to minimize any tree root damage”.

5.8 It is considered inappropriate to impose a Tree Preservation Order (TPO) on the trees that lie within the curtilage of Beech Lodge, as they do not meet the test for making a TPO that “their removal would have a significant negative impact on the local environment and its enjoyment by the public”. (Planning Practice Guidance) Furthermore the Ryland Horticulture Ltd report notes that none of the trees are individually of merit but have value as a screen. This view is supported by the commentary of the Inspector where reference is made to the value of screening but nothing more. (Appeal decision paragraph 13)

5.9 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. As the trees are not worthy of a TPO it is considered that a method statement at the pre-commencement stage is appropriate and that the details is not required prior to determination of the application. The Tree Report records that with appropriate methods of construction that the trees can be retained and the methodology can therefore be controlled by condition.

5.10 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 an unacceptable degree of overshadowing or a sense of enclosure from inside Beech Lodge due to the separation distance.

5.11 The proposed first floor bathroom window in the side elevation of the proposed dwelling facing onto Beech Lodge lies at a distance of approximately 18m from the existing dwelling at first floor and approximately 11m to a window at ground floor serving a recently constructed dining room. The dining room window of Beech Lodge is 10 metres from the boundary. The proposed bathroom 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.

5.12 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.

5.13 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.

5.14 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. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Block Plan 2281-1a). Once

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

8. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of an on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved area shall be kept available for its intended use at all times that construction works are in operation.
11. 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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Topcliffe
Ward: Topcliffe

Committee Date : 16 October 2014
Officer dealing : Miss A J Peel
Target Date: 23 July 2014

5

14/01088/FUL

**Proposed rear extension of existing property to form 1 ground floor flat as amended by plans received by Hambleton District Council 9 September 2014.
at 28 Long Street Topcliffe North Yorkshire YO7 3RL
for Mrs Alison Hollins.**

1.0 DESCRIPTION OF THE SITE, SURROUNDINGS AND THE PROPOSAL

1.1 The site is located on the southern side of Long Street in Topcliffe. The site is occupied by a terrace dwelling which is multiple occupancy and includes bedsit accommodation, communal kitchen, dining and garden space. To the rear of the dwelling is a one bedroom self contained flat and a single storey flat roof garage. There is pedestrian access to the dwelling and flat from Long Street and vehicle access from Swale View. The vehicle access leads to a parking area and garden at the rear of the site. It is located within the Topcliffe Conservation Area and the Development Limits.

1.2 The application originally sought permission for alterations and extensions to the dwelling, which included a two storey extension, to form three new flats and the re-configuration of the existing flat. However, there were significant concerns regarding the scale of the proposal, particularly the two storey extension and the impact that would have on the adjacent neighbours.

1.3 The application has since been amended to reduce the scale of the extensions to single storey and form a unit with two self contained studio bedrooms each with its own en-suite facilities but with shared kitchen, lounge and dining space. The existing dwelling and self contained flat will be retained and the detached garage demolished. The shared garden will be retained and two parking spaces formed.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No history relevant to this application.

3.0 NATIONAL AND LOCAL POLICY:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP8 - Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011

National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council response to original application;

It was voted unanimously to recommend refusal at this stage. The site is a very complicated development with much potential for future conflict and serious detriment to neighbours amenity as per CP1 and DP1 of the LDF. So, as Topcliffe Parish Council it is the considered view that this application be refused. This is not to say that any development cannot take place, but that there needs to be more imagination and vision.

4.2 No response from Parish Council regarding the revised scheme.

4.3 NYCC Highways response to the original application;

The applicant should submit further details showing how the proposed 5 no. parking spaces will be provided. Access to the site is gained from Swale View which is a private road. The applicant should ensure that they have vehicular rights on the private road and that those rights are transferable to other users. The red-lined plan should be amended to include part of Swale View required for access.

4.4 No response from NYCC Highways regarding the revised scheme.

4.5 Yorkshire Water; No objections to the proposed development.

4.6 Environmental Health; No objections or recommendations to make.

4.7 Neighbours consulted and site notice posted on Long Street. Comments raised during original application;

- a) The extension is too large and would overshadow the neighbours house and garden.
- b) Noise and disturbance from residents.
- c) Impact on existing drainage network.
- d) Overdevelopment of the site.
- e) Visual impact on the Conservation Area.
- f) Not enough parking.
- g) Disturbance from construction of the building.

4.8 Neighbours consulted on revised plans. One response from nearby neighbour;

- a) Impact on drainage services.
- b) Noise and disturbance from increase in number of people.
- c) Increase in traffic, number of cars, lack of parking spaces.
- d) Maintenance of the properties and outside areas.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of constructing an additional dwelling in this location, design of the extension, visual impact on the surroundings, any effects on neighbouring amenity, access, highway safety and the provision of public open space.

5.2 The principle of an additional dwelling in this location is accepted as the NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a residential unit within the Development Limits of Topcliffe, which is defined as a Service Village in the Core Strategy. The site is within walking distance of the centre of the village and facilities such as a shop, pub and school and with easy access to public transport; therefore it is considered to be within a sustainable location. It is considered that the proposal is acceptable in principle.

5.3 Not all sites in such locations are suitable for development and consideration must be given to the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the surroundings, the amenity of neighbouring residents and highway matters.

5.4 The scale of the extension has been significantly reduced and is now single storey in height. It is subservient to the main dwelling and comparable with the height of the existing detached garage, albeit with a larger floor area. The plot is relatively large in comparison with neighbouring dwellings and is a sufficient scale to accommodate the extension. Many of the dwellings on Long Street have been extended and project well into the gardens of the properties. There is also evidence of "backland" development throughout Topcliffe. The extended dwelling would not therefore be out of keeping with the character with the settlement. The extension would be constructed of appropriately matching materials and it is considered that the design of the extension is acceptable. Hence, there will be no significant impact on the visual amenities of the area or the character of the Conservation Area.

5.5 The proposal will create two bedrooms, each with en-suite facilities and communal living space. The applicants have stated that there is a need for this type of accommodation within the area and the Housing Manager has confirmed this. The accommodation is considered to be a suitable scale for the occupiers and they would have garden space which is shared with the other occupiers at the site.

5.6 The reduction in the height of the accommodation from two storey to single storey has significantly reduced the impact on the neighbouring properties, particularly No.27 to the east. Due to the changes in levels at the site the application proposes to lower the ground levels to allow the roof lines to follow through and to reduce the impact on the neighbours further. Roof lights within the living areas will allow additional light into the property as the eastern window to the living room faces, unconventionally, onto a brick wall. The other windows in the property will not cause unacceptable levels of overlooking due to their single storey position and distance from the neighbours. There will be an increase in pedestrian and vehicular traffic to the site due to the formation of an additional unit. However, the site is located within a residential area, with Swale View to the south west and Long Street to the north, and it is unlikely to generate significantly higher levels of noise and disturbance than already exist at the site. The maintenance of the communal areas is a civil matter and cannot be considered as part of the planning application.

5.7 Yorkshire Water have been consulted and confirmed they have no objections to the development. It is considered that the development will not have a harmful impact upon drainage at the site or the surrounding area.

5.8 The existing vehicular access to the rear of the site will be retained and two parking spaces created. NYCC Highways have noted that Swale View is a private road. The applicant therefore needs to ensure that they have vehicular access rights on the private road and that those rights are transferable to other users. This will allow the occupiers of the existing and new units to utilise the vehicle access and parking arrangements at the rear of the site and reduce the need for vehicles to park on Long Street. The applicant considers that the occupiers of the new and existing units are unlikely to have a private car due their low income. This has been evidenced at the site so far but this cannot be controlled and parking provision should be provided. The applicant has been asked to resolve this matter and details will be provided. The plans show that two parking spaces will be provided but the agent has confirmed that the parking area would allow for tandem parking so there could be sufficient space for the parking of four vehicles. The applicant has been asked to show this detail on the site plan. It is considered that four spaces would be likely to be sufficient to serve the property.

5.9 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application site. The applicant has indicated that a contribution towards off site provision would be forthcoming should permission be granted and a unilateral undertaking will be completed by the applicants confirming that a payment of £2227.54 would be made upon commencement of the development towards the provision of public open space in the locality, which is in accordance with Policy DP37.

5.10 Taking the above into account; subject to the access arrangements being resolved and the unilateral undertaking completed, the application is recommended for approval.

SUMMARY

It is considered that the proposed development will not have a harmful impact upon the character and appearance of the dwelling or the surrounding Conservation Area. The amenities of the neighbours will not be significantly affected. Subject to the access arrangements being resolved and completion of a unilateral undertaking for public open space the proposal therefore complies with the Hambleton Local Development Framework. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning 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.

6.0 RECOMMENDATION:

6.1 OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

6.2 The decision: as recommended below.

6.3 The reasons for the decision: as set out above.

6.4 Alternative options considered:

- Granting planning permission without conditions or planning obligation
- Granting planning permission with conditions
- Granting planning permission with conditions and planning obligation
- Refusing planning permission
- Recommending the application be withdrawn

6.5 Members of the Council who have declared a conflict of interest in the decision:

None.

(Note: if any Member has declared a conflict of interest, the application must be referred to Planning Committee for decision)

6.6 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s). In the alternative, in the absence of details to show vehicular rights to access the parking spaces or alternative measures such as by including the vehicular access to the highway within the application site; amended plans to show the layout of sufficient parking space and the submission of a unilateral undertaking, within 21 days of the date of the committee meeting, then the application be refused for these three reasons without referral back to the Planning Committee.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
3. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing PL104A (##to be updated##). Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PL104A (## to be updated##), PL105A, PI106A and SK103 received by Hambleton District Council on 9th September 2014 unless otherwise approved in writing by the Local Planning Authority.
5. 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.

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, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.