

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 5 November 2014

Dear Councillor

### NOTICE OF MEETING

Meeting            **PLANNING COMMITTEE**  
Date                **Thursday, 13 November 2014**  
Time                **1.30 pm**  
Venue               **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*P. Morton.*

Phillip Morton  
Chief Executive

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

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00AM REGARDING RENEWABLE SPD AND HOUSING SIZE AND TYPE SPD**

## **AGENDA**

### **Page No**

1. MINUTES  
To confirm the minutes of the meeting held on 16 October 2014 (P.15 - P.16), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. IMPLEMENTATION OF HIGHWAY CONDITIONS - SOWERBY GATEWAY DEVELOPMENT (10/02373/OUT) 5 - 10  
Report of the Director of Environmental and Planning Services
4. PLANNING APPLICATIONS 11 - 124  
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.
5. 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, 16th October, 2014 at Council Chamber, Civic Centre, Stone Cross, Northallerton

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## Present

Councillor D A Webster (in the Chair)

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

## Also in Attendance

Councillor	G J F Key	Councillor	M S Robson
	B Phillips		A W Wood
	M Rigby		

Apologies for absence were received from Councillors J Coulson, Mrs J A Griffiths and P G Sowray

## P.15 MINUTES

### THE DECISION:

That the minutes of the meeting of the Committee held on 18 September 2014 (P.13 - P.14), previously circulated, be signed as a correct record.

## P.16 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) 14/01558/ADV - Free standing Illuminated totem sign board and Illuminated display signs for Exelby Services Ltd at Exelby Services Ltd, Coneygarth, Leases Road, Leeming Bar

CONSENT GRANTED

- (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, 10 September 2014 and 25 September 2014 for Wernick Group Ltd at Norish Limited, Station Lane, Shipton by Beningbrough

PERMISSION GRANTED subject to amendments requiring no outside stacking of modular units in easternmost and southernmost hatched areas of drawing PKA/1/004H and a requirement for tree planting on the northern boundary.

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

(Howard Watson spoke objecting to the application.)

- (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 for Mr Bill Calvert at Land at York Road, Thirsk

PERMISSION REFUSED

- (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 and 16 September 2014 for Mr Peter Gripton at Rutland House, 4 The Gowans, Sutton-on-the-Forest

DEFER to seek increased separation between the building and the eastern boundary.

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

(Lyndsey Stark spoke on behalf of Sutton on the Forrest Parish Council objecting to the application.)

(John King spoke objecting to the application.)

- (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 for Mrs Alison Hollins at 28 Long Street, Topcliffe

PERMISSION GRANTED

(The applicant, Mr Hollins, spoke in support of the application.)

(Sandra Anderson spoke objecting to the application.)

The meeting closed at 3.10 pm

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Chairman of the Committee

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## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Planning Committee  
13 November 2014

**From:** Director of Environmental and Planning Services

**Subject:** **IMPLEMENTATION OF HIGHWAY CONDITIONS – SOWERBY GATEWAY DEVELOPMENT (10/02373/OUT)**

**Sowerby Ward**

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### **1.0 PURPOSE OF THE REPORT:**

1.1 To inform the Committee that the highway improvements related to the Sowerby Gateway development are not being delivered as required by the planning conditions, to report the reasons why and to agree what actions the Council should take.

### **2.0 BACKGROUND:**

2.1 Sowerby Gateway is a strategic mixed use development allocated in the LDF Allocations Development Plan Document (Policy TH2). It is the main allocation for the Thirsk sub-area and is also important in terms of district-wide housing and employment land supply. Outline planning permission was granted on 21st August 2012 for 925 dwellings, a neighbourhood centre, extra-care facility, primary school and various community uses (10/02373/OUT). Phase I comprising 107 dwellings and commercial development was granted detailed permission at the same time. In both drafting the LDF policy and deciding on the planning application the traffic impact was a key consideration.

2.2 Highway issues and the ability of the highway network throughout Thirsk and Sowerby to cope with the additional traffic from the development were amongst the main concerns of residents in comments made on the planning application.

2.3 The planning permission included conditions requiring highway improvements and these were to be “triggered” at specific points in the construction of the development. The conditions are set out in full in Annex A, but 3 main conditions required that within 6 months of occupation of the first house or 1500sqm of commercial development (which ever occurred first):

- Improvements to the A168 / B1448 junction to allow “northbound on” and “southbound off” movements.
- Improvements to B1448 Topcliffe Road including toucan crossing, parking bays adjacent to Melbourne Place and “Keep Clear” road markings adjacent to Sowerby Road.
- Widening at the Topcliffe Road / Station Road / Westgate mini-roundabout to provide 2 approach lanes from Topcliffe Road and Westgate.
- Widening at the Kirkgate / A61 junction to provide 2 approach lanes from Kirkgate.

2.4 It is relevant to note that the trigger point referred to in the conditions did not come from the findings of the modelling work or the Traffic Assessment submitted with the application. Rather it arose from assurances given by the original developer about how soon the junction could be delivered and a desire from Members to achieve an early delivery in response to concerns from Sowerby residents. The specific highway improvements, however, were derived from the Traffic Assessment and modelling.

- 2.5 The first house was occupied on 28 March 2014 and so the highway works should have been completed by the end of September, but they have not been started. Twelve homes had been occupied at the time of writing this report, 7 private and 5 affordable.
- 2.6 The construction of the A168 / B1448 junction was the subject of a separate planning application, submitted in July 2011. Planning Committee originally resolved to grant permission in December 2011, but the Highways Agency placed a Holding Direction preventing a decision being issued until it was satisfied with the detailed design of the junction. It took a further two years of discussion between the applicant and the Highways Agency and significant amendments to the application before the Holding Direction was lifted on 26 November 2013. Planning Committee reconsidered the application ten days later and planning permission was granted on 6 December 2013.
- 2.7 It was apparent earlier this year that there would be slippage with the A168 / B1448 junction improvements as a consequence of Highway Agency approval for the design and construction and that this would delay completion. At this point the delay was thought to be a maximum of 6 months. Mulberry Homes had agreed a 6 month construction window with the Highways Agency from September 2014 to March 2015, but believed it could be completed sooner.

### **3.0 CURRENT POSITION:**

- 3.1 Mulberry Homes went to tender on the A168 / B1448 junction on 7 March 2014 with a view to starting construction in September 2014 and completing by March 2015 at the latest. Mulberry budgeted £2.3m for all the costs associated with the junction. However, the tender price, the need to purchase additional land, and contingencies increased the cost to £7.5m.
- 3.2 This has caused Mulberry Homes to defer construction of the junction and re-appraise the timing of its delivery. Mulberry maintain that because of the increased cost the income generated by the development is not sufficient to deliver the junction in the timescale set by the planning condition.
- 3.3 To help find a solution to funding the junction the Council encouraged Mulberry to discuss with the LEP the potential of a bid for Growth Deal Funding and it was agreed that a business case should be developed for an anticipated second call Growth Deal bids in early 2015. However, it became clear that the Growth Deal funds were only going to be available to projects unsuccessful in the first round; no new projects were to be included.
- 3.4 Mulberry Homes believes the local highway network can accommodate more development than specified in the condition before the junction is required and has commissioned work on updating and reworking the traffic modelling undertaken for the original planning application to assess the highways impact of increasing quantum of development. This will also include different mixtures of housing, employment and commercial development. They intend to submit a planning application as soon as possible to vary the condition regarding the junction, enabling more dwellings to be constructed before it is required. The number of dwellings the application will include is not known at this stage. The outcome of the modelling work would be submitted as evidence to support the planning application.
- 3.5 Mulberry Homes has stated that it intends to complete the other highway works required to junctions in town and Topcliffe Road in the near future. Designs for these works have been submitted to North Yorkshire County Council for approval. The modelling work described above will assume that these works are completed.



#### **4.0 OPTIONS AVAILABLE TO THE COUNCIL:**

4.1 The conditions placed on the application were considered necessary at the time to enable the development to proceed and specifically to make the highway effects acceptable in planning terms. There must therefore be a serious consideration of what actions the Council should take in respect of non-compliance with the highway conditions. However, it should also be recognised that the trigger point in the conditions was not based on evidence from the traffic modelling work and that conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness if challenged.

4.2 Non-compliance with planning conditions can lead to the instigation of formal enforcement action. This may be through the service of a Breach of Condition Notice, an Enforcement Notice or a Stop Notice accompanied by an Enforcement Notice. These are considered below:

##### Breach of Condition Notice

4.3 A Breach of Condition Notice can be served where a condition imposed on a planning permission has not been complied with, the notice sets out which conditions have not been complied with, states what action is required and gives a period for compliance. It takes effect immediately from when it is served and it is a criminal offence not to comply with any requirement. The validity of the notice, the decision to serve a notice and the decision to prosecute can be challenged in the High Court. In the event of non-compliance the Council can take legal proceedings in the Magistrates Court which can impose a fine of up to £2,500.

4.4 Because of the relatively small scale of the fine in relation to the development and because it does not address the fundamental issues, ie getting the junction built and controlling development until the junction is complete, it would not be an effective remedy. Also, as set out below, the decision to serve a notice could be unreasonable if an application to vary the condition supported by modelling is submitted.

##### Enforcement Notice

4.5 An Enforcement Notice would be appropriate if the Council is confident that the breach of planning control was unacceptable and causing harm. The Enforcement Notice would detail the breach of planning control, what action needs to be taken to remedy the breach and how long the owners have to remedy the breach. In this case the remedy could be stopping the development until the junction has been built, although legal advice would be needed on this. As Members are aware, there is a legal right of appeal against the enforcement notice and therefore it would be necessary to have clear expert advice from the Highway Authority supporting service of the notice. If an appeal is made (or a planning application submitted) the Council cannot require that the notice is complied with until the appeal is decided.

4.6 An Enforcement Notice is not appropriate at this time because the point at which the junction becomes necessary is not clear and the Council knows that a planning application is pending.

##### Stop Notice and Enforcement Notice

4.7 A Stop Notice can be issued in conjunction with an Enforcement Notice to secure the cessation of a development before the period specified for compliance in the Enforcement Notice; ie before the enforcement notice takes effect.

- 4.8 Stop Notices are used rarely and usually in extreme circumstances. Inappropriate use of a Stop Notice can result in the Council's incurring claims for compensation, so they are used only when other measures have, or are likely to, prove unsuccessful in dealing with a breach of planning control that has very serious consequences. The full support of the Highway Authority would be essential because of the risk of compensation.
- 4.9 Failure to comply with a Stop Notice can result in summary conviction and substantial fines.
- 4.10 The validity of a stop notice and the propriety of the local planning authority's decision to serve a notice can be challenged in the High Court.
- 4.11 For a Stop Notice to be a proportionate approach the local planning authority must be satisfied that the activity which amounts to the breach must be stopped immediately. As set out above, until the updated modelling work is completed and assessed by the Highway Authority, the evidence for stopping the development has not been established.

#### Submission of an Application to Vary the Condition

- 4.12 Therefore in respect of the enforcement options, irrespective of the conditions, the Council could be on weak ground to take enforcement action until North Yorkshire County Council has come to a view on the modelling work described in paragraph 3.4.
- 4.13 Mulberry Homes has stated that it intends to submit a planning application as soon as possible based on the updated modelling work.
- 4.14 In view of the above, the best way forward is to await the submission of the application which is thought to be imminent, and determine this having regard to the new modelling work, the recommendations of the Highway Authority and the outcome of consultation on the application. The appropriateness of enforcement action could be reconsidered after this if necessary.

### **5.0 RECOMMENDATION**

5.1 It is recommended that:

- (1) Mulberry Homes be pressed to submit an early application for a variation of the highway conditions 34 and 35 for the Sowerby Gateway development; and
- (2) the need for enforcement action be deferred until the outcome of the application is known.

MICK JEWITT

**Background papers:** None

**Author ref:** MAJ

**Contact:** Mick Jewitt  
Director of Environmental & Planning Services  
01609 767053

131114 Sowerby Gateway Development incl Annex A

**HIGHWAY CONDITIONS SOWERBY GATEWAY**

- 34** No further development shall take place within the application site unless, within 6 months of the occupation of the first dwelling on the site (or 1,500sqm of commercial floor space has been occupied, whichever occurs first), the highway improvement scheme on the A168/B1448 junction, to allow “northbound on” and “southbound off” movements is constructed, and brought into use.
- 35** No further development shall take place within the application site unless, within 6 months of the occupation of the first dwelling on the site (or 1,500sqm of commercial floor space has been occupied, whichever occurs first) the highway improvement works listed below have been completed and made available for use. The required highway improvements shall include:
- (a) improvement works to B1448 Topcliffe Road including:
    - i access roundabouts
    - ii drainage
    - iii lighting
    - iv footways
    - v pedestrian islands
    - vi toucan crossing
    - vii zebra crossing
    - viii bus infrastructure
    - ix parking bays adjacent Melbourne Place
    - x Keep Clear road markings adjacent Sowerby Road
    - xi provision of missing footpath link on western side of road railway bridge and “Thorpefield”
  - (b) widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide two dedicated approach lanes from Topcliffe Road and Westgate
  - (c) widening at the Kirkgate / A61 junction to provide two dedicated approach lanes from Kirkgate

The works shall be undertaken in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and following the completion of an independent Stage 2 Safety Audit which has been carried out in accordance with HD 19/03 – road Safety Audit or any superseding regulations.

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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 13 November 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 13th November 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	14/00411/FUL Mr D Gibson Ainderby Steeple  Page no: 15	1.5Mw ground mounted photovoltaic solar farm  For: Mr Stuart Charlton At: Land South East of Pumping Station, Ainderby Steeple  <b>RECOMMENDATION: REFUSE</b>
<b>2</b>	14/00471/FUL Mr D Gibson Ainderby Steeple  Page no: 29	5.9Mw ground mounted photovoltaic solar farm  For: Mr Stuart Charlton and Mr Philip Sanderson At: Land North East of Ainderby Steeple  <b>RECOMMENDATION: REFUSE</b>
<b>3</b>	14/01513/FUL Mr A Cunningham Alne  Page no: 42	Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014  For: Mr T Clark At: Village Farm, Jack Hole, Alne  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	14/01514/FUL Mr A Cunningham Alne  Page no: 58	Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014  For: Mr T Clark At: Village Farm, Jack Hole, Alne  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	14/02065/FUL Mrs B Robinson Great Ayton  Page no: 65	Alterations and extension to bungalow and widen access  For: Mr Craig Vernon At: 9 Easby Lane, Great Ayton  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	14/01626/FUL Mr T Wood Northallerton  Page no 68	Demolition of hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, off-site highway works, car parking and landscaping works as amended by plans received by Hambleton District Council 28 October 2014  For: Jomast Developments Ltd and Marks & Spencer Plc At: Rutson Hospital, High Street, Northallerton  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	14/01627/LBC Mr T Wood Northallerton  Page no: 89	Listed Building Consent for the demolition of a hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, car parking and landscaping works as amended by plans received by Hambleton District Council 28 October 2014  For: Jomast Developments Ltd and Marks & Spencer Plc At: Rutson Hospital, High Street, Northallerton  <b>RECOMMENDATION: GRANT</b>
8	14/01945/REM Mr T Wood Sowerby  Page no: 99	Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links relating to outline application 10/02373/OUT  For: Hambleton District Council At: Land east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby  <b>RECOMMENDATION: GRANT</b>
9	14/02117/FUL Mr T Wood Sowerby  Page no: 107	Extension of floodlight times to existing all-weather pitch, extension of all-weather fenced pitch with grass mounding /screen planting and erection of two storey Hockey Pavilion with minor extension to car park  For: Hambleton District Council At: Thirsk School and Sixth Form College, Topcliffe Road, Sowerby, North Yorkshire  <b>RECOMMENDATION: GRANT</b>
10	(a) 14/01799/FUL (b) 14/01800/LBC Mrs H Laws Stillington  Page no: 112	Renovations and single storey rear extension to dwellinghouse as amended by plans and email received by Hambleton District Council on 30 October 2014  For: Mr Steve Tyssen At: Fairview, High Street, Stillington  <b>RECOMMENDATION: (a) GRANT; (b) GRANT</b>
11	14/01788/FUL Mrs B Robinson Whorlton  Page no: 118	Proposed pig finishing house s amended by plans received by Hambleton District Council on 22nd October 2014  For: Mr Andrew Dickins At: Wellington Farm, Ingleby Arncliffe  <b>RECOMMENDATION: GRANT</b>



**Parish:** Ainderby Steeple  
**Ward:** Morton On Swale  
**1**

**Committee Date:** 13 November 2014  
**Officer dealing:** Mr David Gibson  
**Target Date:** 30 June 2014

**14/00411/FUL**

**Installation of a 1.5Mw Ground Mounted Photovoltaic Solar Farm  
At Land South East Of Pumping Station Ainderby Steeple North Yorkshire  
for Mr Stuart Charlton**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Detailed planning permission is sought for the installation of a ground mounted photovoltaic solar farm on a site located north east of the village of Ainderby Steeple. The site lies just to the north of the Wensleydale Railway which is a tourist attraction that operates during holiday periods and which runs in a shallow cutting at this point.
- 1.2 The site consists of 9.6 acres of land and according to information submitted with the application is currently being used for grazing for livestock. The site lies approximately 100 metres to north east of the north-easterly most dwelling within the village of Ainderby Steeple. To the north and east the site is surrounded by agricultural land with sporadic forms of development in the form of farm houses and agricultural units.
- 1.3 The application consists of parallel rows of framed double photovoltaic panels with each row being 8m from its neighbouring row, with approximately 5,812 individual photovoltaic panels (PV's). The maximum height of the panels would be 2.44m above existing ground levels and they would be set at an angle of 30 degrees with the rows aligned on an east west axis to maximise solar gain. In addition there would be 2 inverters and 2 transformers which would be 2m high and a maximum of 1.2m wide and 2.2m long. These would be located centrally within the site. A single sub-station would be required to serve the development which would be the subject of a further planning application.
- 1.4 It is anticipated that the development's solar arrays would generate around 1.5 Mw of electricity at peak times, enough to power around 323 homes and would offset 624,790kg of CO<sup>2</sup> per annum.
- 1.5 The installation of the PVs would not require the creation of any new access from the highway. Construction traffic would travel to site using the A684, turning on to Thrintoft Lane for 200m before crossing other land in the Applicant's control to reach the track that leads to the site.
- 1.6 The application is supported by the following documents: a Design & Access Statement; Landscaping scheme; Landscape Visual Assessment; a Management Plan; Photomontages, cross sections and contour drawings.
- 1.7 An Agricultural Land Classification assessment has not been submitted to support this application but due to the proximity to the site of application 1/00471/FUL, the agent for the application has agreed that it may be assumed that the quality of the land on this site would be similar, thereby indicating that the land is a mixture of Grade 2 and Grade 3a, making the land Best and Most Versatile land for agriculture.

**2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 14/00471/FUL - Installation of a 5.9Mw Ground Mounted Photovoltaic Solar Farm on Land North East of Ainderby Steeple, North Yorkshire – also on this agenda.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

#### The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England

The National Planning Practice Guidance (NPPG) is an online resource supporting the NPPF it incorporates best practice guidance and links to relevant ministerial speeches and statements.

#### Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development  
CP2 - Access  
CP4 - Settlement hierarchy  
CP15 – Rural Regeneration  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 – Promoting high quality design  
CP18 - Prudent use of natural resources  
CP21 - Safe response to natural and other sources

#### Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity  
DP3 - Site accessibility  
DP6 - Utilities and infrastructure  
DP9 - Development outside of Development Limits  
DP10 – Form and Character of Settlements  
DP26 – Agricultural Issues  
DP28 - Conservation  
DP29 - Archaeology  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP43 - Flooding and floodplains

#### Other Relevant Documents

BRE Biodiversity Guidance for Solar Developments April 2014  
Department of Energy and Climate Change UK Solar PV Strategy Part 1 (Oct 2013) and Part 2 (April 2014)  
Sustainable Development Supplementary Planning Document – Adopted June 2008  
Statement of Community Involvement - Adopted 23 July 2013  
Hambleton Biodiversity Action Plan  
Sustainable Communities Strategy

### **4.0 CONSULTATIONS**

#### Ainderby Steeple Parish Meeting

- 4.1 Wishes to see both applications (this and 14/00471/FUL) refused for the following reasons.

The proposed developments will have a negative impact on the landscape, far too close to a conservation village; the sheer size of these 2 projects will dominate the countryside.

In sight of the historic grade 1 listed St. Helen's Church and church yard.

The ALC report states the land for both sites is "2 and 3a the best and most versatile agricultural land - occupies all of the site area - capable of producing consistently high yields of a wide range of agricultural crops including cereals, oilseed rape and/or grass"

NYCC Highways

- 4.2 No objections

NYCC Development Management Archaeologist

- 4.3 The developer has not assessed the impact of the proposal on heritage assets of archaeological interest. The application does not therefore comply with the information requirements of the NPPF (para. 128) and I recommend that it is refused on this basis.

Ramblers Association

- 4.4 No objections.

HDC Environmental Health Officer

- 4.5 Additional information requested regarding glint and glare and noise. This has been submitted and comments are awaited.

HDC Sustainable Development Officer

- 4.6 I understand this location has been chosen to be able to connect into the National Grid at a location where such capacity exists.
- 4.7 I am glad that the field is planned to continue to be used to graze animals as well as this prospective solar farm, reducing loss of agricultural land use and so the negative impact on local food supply. Materials used should have as low embedded carbon as possible, be re-used / reclaimed where possible, and designed so they can be re-used, and recycled at the end of their useful life. The solar panels and other equipment used on-site should be as efficient as possible to minimise energy loss. Maintenance should occur to panels and all equipment to ensure output is maximised.
- 4.8 Should this development be permitted, I would like to see this opportunity taken to educate the public about renewable energy in general, particularly how much it can contribute to the region's energy supply in terms of number of homes' electricity provided, information on solar power in particular, compared to other forms of energy generation. This could take the form of an information board at a key point in the village, perhaps with a live feed display informing residents of the solar power being produced at the current time and how many "average households" this can supply. It should also preferably include contact information for the local & national energy efficiency advice centres, to help residents reduce their own energy use & costs. Smaller boards at "viewpoints" onto the site from public rights of way could also be created, explaining what can be seen.
- 4.9 Some public benefit should be seen to the local community such as a fund towards energy efficiency improvements of homes in Ainderby Steeple and the wider rural area. As much of

this area is not on the mains gas network, this sort of help is likely to give critical improvements to people's ability to heat their homes to comfortable temperatures (18-21 degrees C) for an affordable cost. Other contributions could be towards extension of & connection to the gas network where this is practical (consultation with Northern Gas Networks would be required on this matter), or local (community) renewable energy projects.

#### HDC Senior Engineer (Drainage)

- 4.10 The area of the proposed development is located in flood zone one, so an area of low flood risk as estimated by the Environment Agency. There is also no identified flood risk associated with surface water on the site. The proposed development will introduce solar panels that occupy approximately 25% of the land area. The panels are elevated above the ground so potentially the land remains available to absorb rainfall. However the presence of the panels will concentrate the rainfall that falls onto them, this could in itself create a flood risk.
- 4.11 The site is relatively flat; the soil is peaty and can become saturated. There is a control on the drainage ditch that takes run-off from the area that includes application site, in the form of a surface water pumping station, this control device is not to be altered or upgraded so the flow control will remain the same.
- 4.12 Research undertaken into solar panel farms suggests that there are a couple of mechanisms that may affect flooding, the concentration of rainfall by the panels and the degradation of the soil during construction. The degradation could increase the run-off rate from the land and hence increase flood risk.
- 4.13 There is little or no exceptional flood risks associated with the site currently, the characteristics of this site mean that the installation of the solar panels is unlikely to create a significant flood risk. However as a precaution and good land management the applicant should ensure that post-construction the land should be returned to its pre-construction condition and chisel ploughed to minimise any potential increase in flood risk. The application should also be conditioned to ensure on-going land management to minimise any potential increase in flood risk.

#### The Environment Agency

- 4.14 Whilst this application lies within source protection zone 2, it does not pose a risk to the groundwater. We therefore have no objections to this development.

#### Police Architectural Liaison Officer

- 4.15 Concerns that the development would be at risk of crime. It has been suggested that security be improved within the site by installing security fencing and additional lighting

#### Natural England

- 4.16 The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be used to enable an assessment to be made of protected species survey and mitigation strategy. The application may provide opportunities to incorporate features to enhance roosting opportunities for bats or the installation of bird nest boxes.
- 4.17 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. (Officer note: the site is not on or adjacent to any such feature.)

#### Swale and Ure Drainage Board

- 4.18 Originally objected to the proposal due to the increase in permeable area and potential for additional flooding downstream. Additional comments are summarised below:
- 4.19 There remain uncertainties about run-off from solar parks but there are risks which arise during the construction and operational phases, with compaction, degradation and damage to soil structure. After construction the soil should be chisel ploughed to mitigate soil compaction and the planning application should include an enforceable soil management plan to keep the soil in good condition during the operational phase and for decommissioning.

#### National Grid

- 4.20 Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

#### Publicity

- 4.21 The application was advertised by site notice and directly to neighbouring occupiers. The notification period for the most recent amended plans expires on 10 November 2014. At the time of writing the report 15 objections, 3 letters of representations and 5 letters of support have been received which are summarised below. Some of these comments also apply to application 14/00471/FUL.

#### Representations and comments

- a) Precedent for other solar development in the area.
- b) In favour of harnessing renewable energy sources but can't they design equipment that is more visually acceptable?
- c) Construction Traffic – Under no circumstances should any of the vehicles use the narrow lane running from the telephone kiosk to the railway line.
- d) Developers must keep their compound tidy at all times, make as little noise as possible and make good any damage caused to land, buildings or road surfaces.
- e) Pleasant views of livestock grazing pasture would be replaced by fields of incongruous solar panels. We moved here to enjoy rural views, not to overlook an industrial site.
- f) Do not consider screening with planting to be feasible. To screen the view from upper floors would require trees of enormous height, and these would shade parts of the site, reducing its efficiency.
- g) Site is within clear view of a village in a conservation area.
- h) Contrary to Policies DP30 and DP32.
- i) Should be confined to brown field and industrial sites.
- j) Sheer size of these two projects will dominate the countryside which is unacceptable.
- k) Site is within an area of panoramic landscape of North Yorkshire Moors and Cleveland Hills
- l) Is within sight of historic Grade 1 Listed St Helens Church and tranquil church yard.

- m) Huge scale of the application – 23,700 panels covering 40 acres. More than twice the area of the village.
- n) Our village would be known as “the solar park village”
- o) Depreciation of house prices. No attempt to show potential views from Church Lea and how these would be affected. Further montages should be provided showing the visual impact from Church Lea and plans for mitigating the impact. Views from private property should be taken into account.
- p) Problems with glare.
- q) Prime agricultural land where wheat was grown in 2013. Drainage could be improved and fields would certainly be of interest to a farmer wanting land.
- r) No benefit to village communities – no employment opportunities or electricity subsidy
- s) High security fencing imprisoning the panels like inmates in jail
- t) 4 months of extra traffic on narrow lanes
- u) Impact upon Wensleydale Railway, a scenic tourist attraction
- v) Public right of way which is well used by ramblers, children, dogs and horses will be spoilt by the eyesore.
- w) Will the panels need to be raised even higher to allow the sheep to be grazed underneath?
- x) Only about 16% of the energy that falls on a panel is converted to electricity. Solar panel installations are heavily subsidised by the tax payer. Locations should be strictly controlled.
- y) Substations can generate low frequency noise that can travel a long way.
- z) The electricity produced may be green but the manufacturing process for the panels is not.

## **5.0 OBSERVATIONS**

5.1 The main issues to consider in the determination of this application are matters relating to:

- a) The principle of the development, including national and local planning policies and Ministerial Statements on solar energy and Agricultural Land Classification
- b) Environmental Benefit of the scheme
- c) Impact upon listed buildings and conservation area in Ainderby Steeple
- d) Visual Impact Assessment
- e) Drainage and Flooding
- f) Ecology
- g) Archaeology
- h) Amenity of neighbouring properties
- i) Noise Assessment
- j) Access and construction issues

### **Principle of the Development**

- 5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to “support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.
- 5.3 Paragraph 93 notes that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”. This positive attitude to renewable energy is reiterated in paragraph 14, which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.
- 5.4 Paragraph 97 goes on to state that local planning authorities should “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources” and that they should:
- have a positive strategy to promote energy from renewable and low carbon sources;
  - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
  - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
  - secure the development of such sources; and
  - identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”
- 5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions.
- 5.6 The recently published National Planning Practice Guidance (NPPG) directs developers to look at previously developed and non-agricultural land over Greenfield land, when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states that:
- Particular factors a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays
- 5.7 As stated above, the application site consists of agricultural land that is classified as Category 2 and 3a which is considered to be the Best and Most Versatile agricultural land (B&MV). Inspectors for two recent appeals concluded that developers should provide a

sequential analysis to support their application, which demonstrates that there are not any more suitable alternative sites (brownfield and then greenfield) within the vicinity. The Inspectors also concluded that the search area should not be confined by district boundaries. In respect of both appeals, the Inspector was very dismissive of the lack of evidence provided by the developer to justify the use of a greenfield as opposed to a brownfield site and agricultural land of an inferior quality. The Inspectors set a very high bar in respect of what was needed to demonstrate that the proposal was necessary. Both appeals were dismissed.

- 5.8 Based on the above, it is clear that the emphasis from the Government is to avoid using B&MV agricultural land for large scale solar arrays wherever reasonably possible. If B&MV agricultural land is to be used, this should be the last resort, and it must be robustly demonstrated that it is justified in each specific instance. NPPF para 112 states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 5.9 To date, a full and robust assessment of other sites for the development has not been submitted. It is considered that the applicant should first demonstrate that there are no brownfield sites that are available and that the use of agricultural land is necessary. If the use of agricultural land were concluded to be necessary, the applicant would need to demonstrate that lower grade agricultural land is not available, and this has not been done. As stated above, an Agricultural Land Classification assessment has not been submitted to support this application but due to the proximity to the sister application very close to the site, the agent for the application has agreed that it can be assumed that the quality of the land would be similar, thereby indicating that the land is a mixture of Grade 2 and Grade 3a, making the land Best and Most Versatile land for agriculture.
- 5.10 The NPPG makes reference to a speech by the Minister for Energy and Climate Change, Greg Barker, to the solar panel industry at the Large Scale Solar Conference on 25 April 2013. In this speech Greg Barker said "...for larger deployments, brownfield land should always be preferred" and went on to add "We need to be careful that we do not over-incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land..." and "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land...".
- 5.11 Also, in the House of Commons oral statement of 29 January 2014 the Planning Minister, Nick Boles, stated that "where significant development is necessary on agricultural land, the national planning policy framework is equally clear that local planning authorities should seek to use areas of poorer quality in preference to that of a higher quality. Where land is designated at a relatively high grade it should not be preferred for the siting of such developments."
- 5.12 In his letter of 22 April 2014 to Local Authorities, Greg Barker made it clear that "...the main message from the Strategy is that we are keen to focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land."
- 5.13 It is therefore considered that due to the loss of Best and Most Versatile Agricultural land and the lack of supporting evidence showing that the applicant has fully assessed other potential brownfield sites or sites of a poorer agricultural land classification, the development does not accord with advice contained within the National Planning Policy Framework or the National Planning Policy Guidance.

#### **Environmental Benefits of the scheme**

- 5.14 The applicant has stated that the proposed scheme would produce in the region of



1,453,000kWh of electricity per annum and that all of the electricity generated would be exported to the National Grid. If the electricity to be generated by this application were produced using fossil fuels, a total of 624,790KG/O<sub>2</sub> would be produced. The generation of electricity using the Photo Voltaics (PVs) does not produce any CO<sub>2</sub>

- 5.15 An average sized house in the UK uses approximately 4,500 kWh of electricity per year. The PV's proposed would generate sufficient electricity to supply in the region of 323 houses and offset the CO<sub>2</sub> which would have been produced had the electricity been generated from fossil fuels.

### **Visual Impact Assessment**

- 5.16 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes.
- 5.17 Similarly, the UK Solar Road map requires proposals to be appropriately sited, and weight to be given to the landscape and visual impact. The NPPG advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.
- 5.18 A Landscape and Visual Impact Assessment (LVIA) was submitted by the applicants which covers both application sites, to assess the landscape and visual effects of the proposed development upon the landscape and visual resources of the site, both during the construction process and once the development is operational. The assessment concluded that:
- The character of Ainderby Bottoms will change as a result of the change from purely agricultural land.
  - The fields do not form a significant part of the wider character
  - The proposals would be successfully assimilated into the surrounding landscape.
- 5.19 LDF Policies DP30 and DP28 combined seek to ensure that the character and appearance of the countryside and conservation areas are protected. The proposed development would be visible from numerous viewpoints in and around Ainderby Steeple, most notably properties on Low Fields, Church Lea, the Village Green, the A684 and from the Wensleydale Railway. It is considered that the siting of the panels and associated development on this site, due to its proximity to the village of Ainderby Steeple, would have a significant detrimental impact on the character of the surrounding area. It is acknowledged that this impact would vary over time and would be dependent on various factors, including the maturity and mitigation effect of the tree and hedgerow planting and the seasonal impact but any mitigation could take up to 15 years to mature. It recognised that the development would be for a temporary 20 year period only, and the land could continue to be used for agricultural purposes.
- 5.20 Unlike the application to the east of the site, this development is considered to be much more prominent in the landscape and would have a much greater impact upon the character of the rural area. This is more a product of the topography than the scale of the development. During the early period of the development, particularly during the construction phase, the expanse of the PVs would be in contrast to the surrounding landscape which is of typical agricultural appearance, harming the character of the area. It is therefore considered that based on the information submitted the development would have a significant detrimental impact on the visual amenity of area that would result in a conflict with the LDF policies of CP6, DP30 and DP9. More on the impact on the specific heritage assets is discussed below.

### **Impact upon listed buildings and conservation area in Ainderby Steeple**

- 5.21 Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by its setting. The more important the asset, the greater the weight should be afforded to the asset's conservation (paragraph 132).
- 5.22 The site is located in close proximity to the Ainderby Steeple Conservation Area which contains a number of Listed Buildings, which include the Grade I Church of St Helen and Grade II Ladyfield House Farm.
- 5.23 The setting of a heritage asset is defined in NPPF as "the surroundings in which a heritage asset is experienced". The English Heritage guidance 'The Setting of Heritage Assets' explains that setting embraces all of the surrounding land, structures and features from which the heritage asset can be experienced or that can be experienced from or with the asset. This includes views into and out of a Conservation Area and views towards and from a listed building or its grounds.
- 5.24 The Church of St Helen lies to the south east of the Conservation Area. The Churchyard extends past the developed area of the village to the east and the proposed application site is visible when standing within the Churchyard. As the edge of the application site is visible from the Churchyard, the impact upon its setting is considered high.
- 5.25 The Council's Conservation Officer has stated that the supporting Landscape Character and Visual Impact Assessment submitted with the application is considered inadequate in assessing the impact of the proposal on the setting of the nearby heritage assets. In particular, there is only limited assessment or conclusion about the impact upon the setting of the Grade I listed Church. These matters require further consideration and justification.
- 5.26 This is supported by discussion with English Heritage, which has agreed that insufficient information has been provided in order to make a full assessment of the proposal on the neighbouring heritage assets.
- 5.27 The NPPF (paragraphs 133-134) states that where a proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.28 It is therefore considered until such time as a full assessment is made on the potential impacts of the proposed development on the heritage assets is produced then a favourable recommendation cannot be made. It is therefore considered that the development does not accord with NPPF paras 133-134 or LDF Policies DP28 and CP16.

### **Drainage and Flooding**

- 5.29 Proposed developments should not be approved if they are located within areas that have a high risk of flooding or would contribute to further increased risk of floods occurring. The whole area of the proposed development is located in flood zone 1, so an area of low flood risk as estimated by the Environment Agency. There is also no identified flood risk associated with surface water on the site. The proposed development would introduce solar panels that occupy approximately 25% of the land area and the panels are elevated above the ground so the land remains available to absorb rainfall.
- 5.30 However, the site is relatively flat; the soil is peaty and can become saturated. There is a control on the drainage ditch that takes run-off from the area that includes application site,

in the form of a surface water pumping station, this control device is not to be altered or upgraded so the flow control will remain the same.

- 5.31 The application has been assessed by the Hambleton District Council Senior Drainage Engineer. He has stated that there is little or no exceptional flood risks associated with the site currently, the characteristics of this site mean that the installation of the solar panels is unlikely to create a significant flood risk. However as a precaution and good land management the applicant should ensure that post-construction the land should be returned to its pre-construction condition and chisel ploughed to minimise any potential increase in flood risk. The application should also be conditioned to ensure on-going land management to minimise any potential increase in flood risk. This could be conditioned on any approval.
- 5.32 It is therefore considered that subject to appropriate planning conditions, the proposed development would not lead to an increased risk of flooding within the site or the wider surrounding area.

### **Ecology**

- 5.33 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.
- 5.34 The application is supported by an Environmental Survey conducted by Barret Environmental Ltd. A series of ecological and biodiversity enhancements/mitigations are proposed with this scheme to improve and promote habitats, and protect habitats and wildlife species that may be associated with the site.
- 5.35 The proposed development has been assessed by Natural England and no objections have been raised. In terms of mitigation of existing species and habitat during site preparation, construction and operation, the Habitats Survey refers to a series of detailed mitigation measures to be undertaken on the site. The County Ecologist has reviewed the submitted information within the application and raises no ecological objection to the proposal. It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF.

### **Archaeology**

- 5.36 The North Yorkshire County Council Development Management Archaeologist has stated that the site contains archaeological remains and the surrounding area contains a number of features of potential archaeological interest.
- 5.37 Paragraph 128 of the NPPF requires an appropriate desk based assessment on sites which include or have potential to include heritage assets with archaeological interest.
- 5.38 The NYCC Development Management Archaeologist has stated that the developer has not assessed the impact of the proposal on heritage assets of archaeological interest. The application does not therefore comply with the information requirements of the NPPF (para. 128).

### **Amenity of neighbouring properties**

- 5.39 One of the core planning principles of the National Planning Policy Framework is to secure a good standard of amenity for existing occupants of land and buildings. The site occupies a relatively isolated location in open countryside although there are a number of properties in the surrounding vicinity.

- 5.40 The surrounding vegetation and topography, combined with the separation distances and the limited height of the solar PV array, is considered to restrict any adverse visual impact on residential properties. It is anticipated that there may be some noise and disturbance associated with the construction and decommissioning phases; however, this is for a limited duration. The solar PV arrays themselves would not produce any localised noise or airborne pollution during the operational phase.
- 5.41 The Council's Environmental Health Service has advised that a glint and glare assessment would be required in order to demonstrate that the likely reflective capacity of the solar array, in particular the face of the solar photovoltaic panels, and the likely lines of reflection relative to the angle of incidence of sunlight will not cause a loss of amenity or create a nuisance to residents or other sensitive receptors in the vicinity of the development.
- 5.42 The applicant has stated that the PVs would be made of a non-reflective material and has submitted a Glint and Glare report for a recent application that was submitted in Cornwall. No site specific report or assessment has been submitted to support this application.
- 5.43 The applicant advises that the proposed solar panels are designed to absorb, rather than reflect light, which would be less efficient. The surface treatment of the panels would be rough and they are constructed of dark, light absorbing materials and anti-reflective coatings. The applicant advises that the sunlight reflection is as low as 2% at shallow angles during brief periods of the day within the site and in aerial views. The frames and racking system for the solar array will be aluminium and steel with a matt finish to minimise solar reflection. It is therefore considered due to the nature of the panels to absorb light and the technology used that the proposal would not result in such an impact on the landscape as to warrant a refusal of planning permission on grounds of glint and glare. It is therefore considered that the information submitted is sufficient to avoid significant harm to the amenity of neighbours that would result in a conflict with the LDF policies of CP1 and DP1.

#### **Noise Assessment**

- 5.44 For this specific application, the only potential noise generator would be the invertors that would be placed within the site. As part of the application, the applicant has submitted manufacturer's specifications which details predicted noise levels which would be less than 50dB at 1 metre. The Council's Environmental Health Officer has reviewed the application and has not raised any concern on this aspect.
- 5.45 On that basis, it is considered that new development would not have a detrimental impact on amenity through increase in noise, which would not be significant

#### **Access and construction issues**

- 5.46 Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site and within the development. The applicant has provided a Construction Traffic Management Plan (CTMP) which covers both planning applications, which includes a statement of transport issues associated with the proposed development; the level of traffic movement; traffic routes and access points; and mitigation measures.
- 5.47 The installation of the PVs would not require the creation of new access from the highway. The PVs would be delivered to site on approximately 25 x 44 tonne articulated lorries (L17m x W2.6m x H4.11m) over a 6 month period as required during the construction period. The workforce would be transported daily to the site in two transit vans over the anticipated 6 month construction period.
- 5.48 Any PVs not installed on the day of delivery would be stored overnight on site. A temporary

construction compound consisting of a portacabin, parking area and on site workforce welfare facilities would be provided. No additional hard standing would be required for the construction compound. The location and layout of the construction compound is shown on the Construction Area-Access Plan. The portacabin and welfare facilities would be removed once construction of the PVs was completed.

- 5.49 Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' North Yorkshire County Council Highways Department have assessed the scheme and have raised no objections. It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

## 6.0 CONCLUSION

- 6.1 The proposed development of the site through the installation of a solar photovoltaic farm would have significant benefits in terms of the large scale generation of renewable energy, and this is supported by both national and local planning policies. Furthermore, it would not give rise to concerns in respect of flooding, biodiversity, residential amenity and highway safety. However, it is considered that insufficient evidence has been produced that demonstrates that the solar farm should be located on what is considered to be Best and Most Versatile Agricultural Land. The applicant has failed to demonstrate that this land is the only available land and that other sites have been explored through the submission of a sequential assessment.

- 6.2 Also, due to the proximity to the village of Ainderby Steeple, it is considered that the proposed development would have a significant adverse impact on the character of the area. The PVs would be visible from public vantage points and would appear in stark contrast to the agricultural and rural nature of the area. This concern is amplified by the fact that Ainderby Steeple contains a Conservation Area and numerous Listed Buildings. The applicant has failed to demonstrate that the development would not have an adverse impact on the character and setting of heritage assets within the village, particularly the Grade I Listed Church and the Conservation Area as a whole, therefore the development is considered to be contrary to NPPF paras 133-134 and LDF Policies DP28 and CP16.

## 7.0 RECOMMENDATION

- 7.1 That Planning permission is **REFUSED** for the following reasons:

1. The proposed development would entail a loss of Grade 2 and Grade 3A agricultural land which is considered to be the best and most versatile. No evidence has been submitted to demonstrate that alternative sites not in agricultural use or comprising lower grade agricultural land have been considered. The proposal is therefore contrary to paragraph 112 of the National Planning Policy Framework.
2. The proposal by reason of its scale, form and proximity to public viewpoints and the village of Ainderby Steeple, would result in dominant and uncharacteristic development that causes unacceptable harm to the landscape character and appearance of the site and the wider landscape setting. It is not considered that these impacts can be mitigated. As such, the proposed development is contrary to Hambleton Local Development Framework Policies CP16, DP9 and DP30.
3. Insufficient information has been submitted in order to fully assess the impacts of the proposed development upon Heritage Assets in the immediate vicinity which include

the Ainderby Steeple Conservation Area, the Grade 1 Listed Church of St Helen and the Grade 2 Listed Ladyfield House Farm. It is therefore not possible to ensure that the proposed works are of a type which would sustain and enhance the significance of these heritage assets and is therefore contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and National Planning Policy Framework paragraphs 133-134.

**Parish:** Ainderby Steeple  
**Ward:** Morton On Swale  
**2**

**Committee Date:** 13 November 2014  
**Officer dealing:** Mr David Gibson  
**Target Date:** 30 June 2014

**14/00471/FUL**

**Installation of a 5.9Mw Ground Mounted Photovoltaic Solar Farm on Land North East of Ainderby Steeple, North Yorkshire for Mr Stuart Charlton and Mr Philip Sanderson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.2 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on a 13 hectare site located north east of the village of Ainderby Steeple and west of Dolly Lane. The site lies just to the north of and abutting, the Wensleydale Railway which is a tourist attraction that operates during holiday periods.
- 1.2 The site is some 400 metres distant from the edge of the built up area of Ainderby Steeple at its closest point. It is an irregular shaped site consisting of 3 fields currently given over to grassland/grazing and separated by existing drainage ditches. Field A is roughly triangular shaped and lies to the north, field B is the largest field and the nearest to Ainderby Steeple and field C lies to the east. Fields A and C are flat and fairly low lying relative to the surrounding land whereas field B has a ridge running through it north to south with the higher land in the centre. To the north east of the site adjacent to field A is an area of woodland and along the eastern boundary there is a hawthorn hedgerow. The western boundary is not delineated by any vegetation. 48% of the land is classified as grade 2 and 52% of the land is classed as grade 3a. The land is therefore classed as Best and Most Versatile Agricultural land.
- 1.3 The application consists of parallel rows of framed double photovoltaic panels with each row being 8m from its neighbouring row. The maximum height of the panels would be 2.44m above existing ground levels and they would be set at an angle of 30 degrees with the rows aligned on an east west axis to maximise solar gain. In addition there would be 12 GRP units housing 6 inverters and 6 transformers which would be 2m high and a maximum of 1.2m wide and 2.2m long. These would be located centrally within the site between fields A and B. A single sub-station would be required to serve the development which is proposed to be located next to the woodland adjacent to field A at the end of the access road from Dolly Lane.
- 1.4 It is anticipated that the development's solar arrays would generate around 5.9 Mw of electricity at peak times, enough to power around 1,318 homes.
- 1.5 Access to the site would be from Dolly Lane, utilising the existing farm access at Broom Close Farm which is in the ownership of one of the applicants. A storage compound for use during the construction period is proposed adjacent to the farm complex.
- 1.6 The application is supported by the following documents: a Design & Access Statement; Landscaping scheme; Landscape Visual Assessment; a Management Plan; Photomontages, cross section and contour drawings and an Agricultural Land Classification Report.

**2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 14/00411/FUL – Application for the installation of a 1.5Mw Ground Mounted Photovoltaic Solar Farm on land north of Ainderby Steeple – also on this agenda.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England

The National Planning Practice Guidance (NPPG) is an online resource supporting the NPPF it incorporates best practice guidance and links to relevant ministerial speeches and statements.

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development  
CP2 - Access  
CP4 - Settlement hierarchy  
CP15 – Rural Regeneration  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 – Promoting high quality design  
CP18 - Prudent use of natural resources  
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity  
DP3 - Site accessibility  
DP6 - Utilities and infrastructure  
DP9 - Development outside of Development Limits  
DP10 – Form and Character of Settlements  
DP26 – Agricultural Issues  
DP28 - Conservation  
DP29 - Archaeology  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP43 - Flooding and floodplains

Other Relevant Documents

BRE Biodiversity Guidance for Solar Developments April 2014  
Department of Energy and Climate Change UK Solar PV Strategy Part 1 (Oct 2013) and Part 2 (April 2014)  
Sustainable Development Supplementary Planning Document – Adopted June 2008  
Statement of Community Involvement - Adopted 23 July 2013  
Hambleton Biodiversity Action Plan  
Sustainable Communities Strategy

### **4.0 CONSULTATIONS**

Ainderby Steeple Parish Meeting



4.1 Wishes to see both applications (this and 14/00471/FUL) refused for the following reasons.

The proposed developments will have a negative impact on the landscape, far too close to a conservation village; the sheer size of these 2 projects will dominate the countryside.

In sight of the historic grade 1 listed St. Helen's Church and church yard.

The ALC report states the land for both sites is "2 and 3a the best and most versatile agricultural land - occupies all of the site area - capable of producing consistently high yields of a wide range of agricultural crops including cereals, oilseed rape and/or grass"

NYCC Highways

4.2 No objections

NYCC Development Management Archaeologist

4.3 The developer has not assessed the impact of the proposal on heritage assets of archaeological interest. The application does not therefore comply with the information requirements of the NPPF (para. 128) and I recommend that it is refused on this basis.

Ramblers Association

4.4 No objections.

HDC Environmental Health Officer

4.5 Additional information requested regarding glint and glare and noise. This has been submitted and comments are awaited.

HDC Sustainable Development Officer

4.6 I understand this location has been chosen to be able to connect into the National Grid at a location where such capacity exists.

4.7 I am glad that the field is planned to continue to be used to graze animals as well as this prospective solar farm, reducing loss of agricultural land use and so the negative impact on local food supply. Materials used should have as low embedded carbon as possible, be re-used / reclaimed where possible, and designed so they can be re-used, and recycled at the end of their useful life. The solar panels and other equipment used on-site should be as efficient as possible to minimise energy loss. Maintenance should occur to panels and all equipment to ensure output is maximised.

4.8 Should this development be permitted, I would like to see this opportunity taken to educate the public about renewable energy in general, particularly how much it can contribute to the region's energy supply in terms of number of homes' electricity provided, information on solar power in particular, compared to other forms of energy generation. This could take the form of an information board at a key point in the village, perhaps with a live feed display informing residents of the solar power being produced at the current time and how many "average households" this can supply. It should also preferably include contact information for the local & national energy efficiency advice centres, to help residents reduce their own energy use & costs. Smaller boards at "viewpoints" onto the site from public rights of way could also be created, explaining what can be seen.

4.9 Some public benefit should be seen to the local community such as a fund towards energy efficiency improvements of homes in Ainderby Steeple and the wider rural area. As much of this area is not on the mains gas network, this sort of help is likely to give critical

improvements to people's ability to heat their homes to comfortable temperatures (18-21 degrees C) for an affordable cost. Other contributions could be towards extension of & connection to the gas network where this is practical (consultation with Northern Gas Networks would be required on this matter), or local (community) renewable energy projects.

#### HDC Senior Engineer (Drainage)

- 4.9 In respect of application 14/00471/FUL the larger site 5.9Mw Solar farm, the whole area of the proposed development is located in flood zone one, so an area of low flood risk as estimated by the Environment Agency. There is also no identified flood risk associated with surface water on the site. The proposed development will introduce solar panels that occupy approximately 25% of the land area. The panels are elevated above the ground so potentially the land remains available to absorb rainfall. However the presence of the panels with concentrate the rainfall that falls onto them, this could in itself create a flood risk.
- 4.10 The site is relatively flat, the soil is peaty and can become saturated. There is a control on the drainage ditch that takes run-off from the area that includes application site, in the form of a surface water pumping station, this control device is not to be altered or upgraded so the flow control will remain the same.
- 4.11 Research undertaken into solar panel farms suggests that there a couple of mechanisms that may affect flooding, the concentration of rainfall by the panels and the degradation of the soil during construction. The degradation could increase the run-off rate from the land and hence increase flood risk.
- 4.12 There is little or no exceptional flood risks associated with the site currently, the characteristics of this site mean that the installation of the solar panels is unlikely to create a significant flood risk. However as a precaution and good land management the applicant should ensure that post-construction the land should be returned to its pre-construction condition and chisel ploughed to minimise any potential increase in flood risk. The application should also be conditioned to ensure on-going land management to minimise any potential increase in flood risk.

#### The Environment Agency

- 4.13 Whilst this application lies within source protection zone 2, it does not pose a risk to the groundwater. We therefore have no objections to this development.

#### Police Architectural Liaison Officer

- 4.14 Concerns that the development would be at risk of crime. It has been suggested that security be improved within the site by installing security fencing and additional lighting

#### Natural England

- 4.15 The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be used to enable an assessment to be made of protected species survey and mitigation strategy. The application may provide opportunities to incorporate features to enhance roosting opportunities for bats or the installation of bird nest boxes.
- 4.16 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Swale and Ure Drainage Board

- 4.17 Originally objected to the proposal due to the increase in permeable area and potential for additional flooding downstream. Additional comments were received which are summarised below:
- 4.18 There remain uncertainties about run-off from solar parks but there are risks which arise during the construction and operational phases, with compaction, degradation and damage to soil structure. After construction the soil should be chisel ploughed to mitigate soil compaction and the planning application should include an enforceable soil management plan to keep the soil in good condition during the operational phase and for decommissioning.

#### National Grid

- 4.19 Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

#### Publicity

- 4.20 The application was advertised by site notice and directly to neighbouring occupiers. The notification period for the most recent amended plans expires on 10 November 2014. At the time of writing the report 15 objections, 3 letters of representations and 5 letters of support have been received which are summarised below. Some of these comments also apply to application 14/00411/FUL.

#### Representations and comments

- aa) Precedent for other solar development in the area.
- bb) In favour of harnessing renewable energy sources but can't they design equipment that is more visually acceptable?
- cc) Construction Traffic – Under no circumstances should any of the vehicles use the narrow lane running from the telephone kiosk to the railway line.
- dd) Developers must keep their compound tidy at all times, make as little noise as possible and make good any damage caused to land, buildings or road surfaces.
- ee) Pleasant views of livestock grazing pasture would be replaced by fields of incongruous solar panels. We moved here to enjoy rural views, not to overlook an industrial site.
- ff) Do not consider screening with planting to be feasible. To screen the view from upper floors would require trees of enormous height, and these would shade parts of the site, reducing its efficiency.
- gg) Site is within clear view of a village in a conservation area.
- hh) Contrary to Policies DP30 and DP32.
- ii) Should be confined to brown field and industrial sites.
- jj) Sheer size of these two projects will dominate the countryside which is unacceptable.
- kk) Site is within an area of panoramic landscape of North Yorkshire Moors and Cleveland Hills
- ll) Is within sight of historic Grade 1 Listed St Helens Church and tranquil church yard.
- mm) Huge scale of the application – 23,700 panels covering 40 acres. More than twice the area of the village.
- nn) Our village would be known as “the solar park village”
- oo) Depreciation of house prices. No attempt to show potential views from Church Lea and how these would be affected. Further montages should be provided showing the visual impact from Church Lea and plans for mitigating the impact. Views from private property should be taken into account.
- pp) Problems with glare.
- qq) Prime agricultural land where wheat was grown in 2013. Drainage could be improved and fields would certainly be of interest to a farmer wanting land.
- rr) No benefit to village communities – no employment opportunities or electricity subsidy

- ss) High security fencing imprisoning the panels like inmates in jail
- tt) 4 months of extra traffic on narrow lanes
- uu) Impact upon Wensleydale Railway, a scenic tourist attraction
- vv) Public right of way which is well used by ramblers, children, dogs and horses will be spoilt by the eyesore.
- ww) Will the panels need to be raised even higher to allow the sheep to be grazed underneath?
- xx) Only about 16% of the energy that falls on a panel is converted to electricity. Solar panel installations are heavily subsidised by the tax payer. Locations should be strictly controlled.
- yy) Substations can generate low frequency noise that can travel a long way.
- zz) The electricity produced may be green but the manufacturing process for the panels is not.

## 5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are matters relating to:

- a) The principle of the development, including national and local planning policies and Ministerial Statements on solar energy and Agricultural Land Classification
- b) Environmental Benefit of the scheme
- c) Impact upon listed buildings and conservation area in Ainderby Steeple
- d) Visual Impact Assessment
- e) Drainage and Flooding
- f) Ecology
- g) Archaeology
- h) Amenity of neighbouring properties
- i) Noise Assessment
- j) Proximity to pipeline
- k) Access and construction issues

### Principle of the Development

- 5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to “support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.
- 5.3 Paragraph 93 notes that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”. This positive attitude to renewable energy is reiterated in paragraph 14, which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.
- 5.4 Paragraph 97 goes on to state that local planning authorities should “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources” and that they should:
- have a positive strategy to promote energy from renewable and low carbon sources;
  - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
- secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”

5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions.

5.6 The recently published National Planning Practice Guidance (NPPG) directs developers to look at previously developed and non-agricultural land over Greenfield land, when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states that:

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value; and
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays

5.7 As stated above, the application site consists of agricultural land that is classified as Category 2 and 3a which is considered to be the Best and Most Versatile agricultural land (B&MV). This is despite the fact that low-lying land at the northern end of the site is poorly drained and because drainage is not taken into account in grading. It is understood that the classification, and therefore the NPPF’s protection of best and most versatile land, assumes that there is potential for drainage to be improved. Within the site, field 2 is well drained and accounts for 48% of the site, so the application would result in a significant loss of B&MV land that is being used productively. Inspectors for two recent appeals concluded that developers should provide a sequential analysis to support their application, which demonstrates that there are not any more suitable alternative sites (brownfield and then greenfield) within the vicinity. The Inspectors also concluded that the search area should not be confined by district boundaries. In respect of both appeals, the Inspector was very dismissive of the lack of evidence provided by the developer to justify the use of a greenfield as opposed to a brownfield site and agricultural land of an inferior quality. The Inspectors set a very high bar in respect of what was needed to demonstrate that the proposal was necessary. Both appeals were dismissed, even though the proposed solar farms were for temporary period similar to that applied for at Ainderby Steeple.

5.8 Based on the above, it is clear that the emphasis from the Government is to avoid using B&MV agricultural land for large scale solar arrays wherever reasonably possible. If B&MV agricultural land is to be used, this should be the last resort, and it must be robustly demonstrated that it is justified in each specific instance. NPPF para 112 states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

- 5.9 To date, a full and robust assessment of other sites for the development has not been submitted. It is considered that the applicant should first demonstrate that there are no brownfield sites that are available and that the use of agricultural land is necessary. If the use of agricultural land were concluded to be necessary, the applicant would need to demonstrate that lower grade agricultural land is not available, and this has not been done.
- 5.10 The NPPG makes reference to a speech by the Minister for Energy and Climate Change, Greg Barker, to the solar panel industry at the Large Scale Solar Conference on 25 April 2013. In this speech Greg Barker said "...for larger deployments, brownfield land should always be preferred" and went on to add "We need to be careful that we do not over-incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land..." and "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land..."
- 5.11 Also, in the House of Commons oral statement of 29 January 2014 the Planning Minister, Nick Boles, stated that "where significant development is necessary on agricultural land, the national planning policy framework is equally clear that local planning authorities should seek to use areas of poorer quality in preference to that of a higher quality. Where land is designated at a relatively high grade it should not be preferred for the siting of such developments."
- 5.12 In his letter of 22 April 2014 to Local Authorities, Greg Barker made it clear that "...the main message from the Strategy is that we are keen to focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land."
- 5.13 It is therefore considered that due to the loss of Best and Most Versatile Agricultural land and the lack of supporting evidence showing that the applicant has fully assessed other potential brownfield sites or sites of a poorer agricultural land classification, the development does not accord with advice contained within the National Planning Policy Framework or the National Planning Policy Guidance.

#### **Environmental Benefits of the scheme**

- 5.14 The applicant has stated that the proposed scheme would produce in the region of 1,453,000kWh of electricity per annum and that all of the electricity generated would be exported to the National Grid. If the electricity to be generated by this application were produced using fossil fuels, a total of 624,790KG/O<sub>2</sub> would be produced. The generation of electricity using the Photo Voltaics (PVs) does not produce any CO<sub>2</sub>
- 5.15 An average sized house in the UK uses approximately 4,500 kWh of electricity per year. The PVs proposed would generate sufficient electricity to supply in the region of 323 houses and offset the CO<sub>2</sub> which would have been produced had the electricity been generated from fossil fuels.

#### **Landscape Impact**

- 5.16 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes.
- 5.17 Similarly, the UK Solar Road map requires proposals to be appropriately sited, and weight to be given to the landscape and visual impact. The PPG advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.

- 5.18 A Landscape and Visual Impact Assessment (LVIA) was submitted by the applicants which covers both sites, to assess the landscape and visual effects of the proposed development upon the landscape and visual resources of the site, both during the construction process and once the development is operational. The assessment concluded that:
- The character of Ainderby Bottoms will change as a result of the change from purely agricultural land.
  - The fields do not form a significant part of the wider character
  - The proposals would be successfully assimilated into the surrounding landscape.
- 5.19 LDF Policies DP30 and DP28 combined seek to ensure that the character and appearance of the countryside and conservation areas are protected. Specialists consultancy advice has been taken on the landscape impact of this development. In line with the expert advice provided and based on the additional information provided by the applicant to better illustrate the effect of landscape planting proposed as part of the development, it is considered that the siting of the panels and associated development on this relatively well enclosed and screened site would not have an unacceptable effect on the surrounding area in landscape terms. Whilst views of the development will be obtained from various points within Ainderby Steeple, and to a lesser extent, from surrounding roads/footpaths, it is considered that this impact would not be significant or to the extent that planning permission should be refused on this basis. It acknowledged that this impact would vary over time and would be dependent on various factors, including the maturity and mitigation effect of the tree and hedgerow planting and the seasonal impact.
- 5.20 Whilst Officers agree that the development would be significantly screened to not alter the character of the area significantly, the impact upon the local heritage assets has not been sufficiently assessed. This is discussed in more detail below.

#### **Impact upon listed buildings and conservation area in Ainderby Steeple**

- 5.21 Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by its setting. The more important the asset, the greater the weight should be afforded to the asset's conservation (paragraph 132).
- 5.22 The site is located in close proximity to the Ainderby Steeple Conservation area which contains a number of Listed Buildings, which include Grade I Church of St Helen.
- 5.23 The setting of a heritage asset is defined in NPPF as "the surroundings in which a heritage asset is experienced". The English Heritage guidance 'The Setting of Heritage Assets' explains that setting embraces all of the surrounding land, structures and features from which the heritage asset can be experienced or that can be experienced from or with the asset. This includes views into and out of a Conservation Area and views towards and from a listed building or its grounds.
- 5.24 The Church of St Helen lies to the south east of the Conservation Area. The Churchyard extends past the developed area of the village to the east and the proposed application site is visible when standing within the Churchyard. As the application site is clearly visible from the Churchyard the impact upon its setting is considered high. Views back to the Church and Conservation Area from the footpath/bridleway (looking south) will take in the application site.
- 5.25 Ladyfield House Farm lies to the north-west of the application site. From the public footpath/bridleway this property is largely obscured by a tall hedge. It may be possible to see the application site from some of the first floor windows, however it does not directly face in the same direction and therefore it is considered that the proposal is unlikely to have any adverse impact upon its setting.

- 5.26 The Council's Planning Policy and Conservation Officer has stated that supporting Landscape Character and Visual Impact Assessment submitted with the application is considered inadequate in assessing the impact of the proposal on the setting of the heritage assets. In particular, there is no real assessment or conclusion about the impact upon the setting of the Grade I listed Church. These matters require further consideration and justification.
- 5.27 NPPF paras 133-134 states that where a proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.28 Verbal discussions have taken place with English Heritage who have agreed that insufficient information has been provided in order to make a full assessment of the proposal on the neighbouring heritage assets.
- 5.29 It is therefore considered until such time as a full assessment is made on the potential impacts of the proposed development on the heritage assets is produced then a favourable recommendation cannot be made. It is therefore considered that the development does not accord with NPPF paras 133-134.

### **Drainage and Flooding**

- 5.30 Proposed developments should not be approved if they are located within areas that have a high risk of flooding or would contribute to further increased risk of floods occurring. The whole area of the proposed development is located in flood zone one, so an area of low flood risk as estimated by the Environment Agency. There is also no identified flood risk associated with surface water on the site. The proposed development would introduce solar panels that occupy approximately 25% of the land area and the panels are elevated above the ground so the land remains available to absorb rainfall.
- 5.31 The site is relatively flat, the soil is peaty and can become saturated. There is a control on the drainage ditch that takes run-off from the area that includes application site, in the form of a surface water pumping station, this control device is not to be altered or upgraded so the flow control will remain the same.
- 5.32 The application has been assessed by the Hambleton District Council Senior Drainage Engineer. He has stated that there is little or no exceptional flood risks associated with the site currently, the characteristics of this site mean that the installation of the solar panels is unlikely to create a significant flood risk. However as a precaution and good land management the applicant should ensure that post-construction the land should be returned to its pre-construction condition and chisel ploughed to minimise any potential increase in flood risk. The application should also be conditioned to ensure on-going land management to minimise any potential increase in flood risk. This could be conditioned on any approval.
- 5.33 It is therefore considered that subject to planning conditions, the proposed development would not lead to an increased risk of flooding within the site or the wider surrounding area.

### **Ecology**

- 5.34 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new



development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.

- 5.35 The application is supported by an Environmental Survey conducted by Barret Environmental Ltd. A series of ecological and biodiversity enhancements/mitigations are proposed with this scheme to improve and promote habitats, and protect habitats and wildlife species that may be associated with the site.
- 5.36 The proposed development has been assessed by Natural England and no objections have been raised. In terms of mitigation of existing species and habitat during site preparation, construction and operation, the Habitats Survey refers to a series of detailed mitigation measures to be undertaken on the site. The County Ecologist has reviewed the submitted information within the application and raises no ecological objection to the proposal. It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF.

### **Archaeology**

- 5.37 The North Yorkshire County Council Development Management Archaeologist has stated that the site contains archaeological remains and the surrounding area contains a number of features of potential archaeological interest.
- 5.38 Paragraph 128 of the NPPF requires an appropriate desk based assessment on sites which include or have potential to include heritage assets with archaeological interest.
- 5.39 The NYCC Development Management Archaeologist has stated that the developer has not assessed the impact of the proposal on heritage assets of archaeological interest. The application does not therefore comply with the information requirements of the NPPF (para. 128).

### **Amenity of neighbouring properties**

- 5.40 One of the core planning principles of the National Planning Policy Framework is to secure a good standard of amenity for existing occupants of land and buildings. The site occupies a relatively isolated location in open countryside although there are a number of properties in the surrounding vicinity.
- 5.41 The surrounding vegetation and topography, combined with the separation distances and the limited height of the solar PV array, is considered to restrict any adverse visual impact on residential properties. It is anticipated that there may be some noise and disturbance associated with the construction and decommissioning phases; however, this is for a limited duration. The solar PV arrays themselves will not produce any localised noise or airborne pollution during the operational phase.
- 5.42 The Council's Environmental Health Department have advised that a glint and glare assessment would be required in order to demonstrate that the likely reflective capacity of the solar array, in particular the face of the solar photovoltaic panels, and the likely lines of reflection relative to the angle of incidence of sunlight will not cause a loss of amenity or create a nuisance to residents or other sensitive receptors in the vicinity of the development.
- 5.43 The applicant has stated that the PVs would be made of a non-reflective material and has submitted a Glint and Glare report for a recent application that was submitted in Cornwall. No site specific report or assessment has been submitted to support this application.
- 5.44 The proposed solar panels are designed to absorb, rather than produce light. The surface treatment of the panels would be rough and they are constructed of dark, light absorbing materials and anti-reflective coatings. The applicant advises that the sunlight reflection is as

low as 2% at shallow angles during brief periods of the day within the site and in aerial views. The frames and racking system for the solar array will be aluminium and steel with a matt finish to minimise solar reflection. It is therefore considered due to the nature of the panels to absorb light and the technology used that the proposal would not result in such an impact on the landscape as to warrant a refusal of planning permission. It is therefore considered that the information submitted is sufficient to avoid significant harm to the amenity of neighbours that would result in a conflict with the LDF policies of CP1 and DP1.

### **Noise Assessment**

- 5.45 It is considered that new development could not a detrimental impact on the amenity of the surrounding area or the amenity of the neighbouring properties. It is considered that for some developments, the increase of noise would have a significant detrimental impact on the surrounding land users.
- 5.46 For this specific application, the potential noise generator would be the invertors that would be placed within the site. As part of the application, the applicant has submitted manufacturer's specifications which details predicted noise levels which would be less than 50dB at 1 metre.
- 5.47 It is considered that should approval be granted for the application then a noise survey could be conditioned to be carried out prior to development commencing on site. This would ensure that noise levels are controlled to an acceptable level so as not to have an adverse impact on the amenity of the neighbouring residents.

### **Proximity to pipeline**

- 5.48 Originally an objection was received from the National Grid due to the presence of National Grid apparatus in proximity to the specified area. The objection is more of a holding response that requires that the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works. This would be placed as an informative if the application was to be approved.

### **Access and construction issues**

- 5.49 Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site and within the development. The applicant has provided a Construction Traffic Management Plan (CTMP) which includes a statement of transport issues associated with the proposed development; the level of traffic movement; traffic routes and access points; and mitigation measures.
- 5.50 The installation of the PVs would not require the creation of new access from the highway. The PVs would be delivered to site on approximately 25 x 44 tonne artic lorries (L17m x W2.6m x H4.11m) over a 6 month period as required during the construction period. The workforce would be transported daily to the site in two transit vans over the anticipated 6 month construction period.
- 5.51 Any PVs not installed on the day of delivery would be stored overnight on site. A temporary construction compound consisting of a portacabin, parking area and on site workforce welfare facilities would be provided. No additional hard standing would be required for the construction compound. The location and layout of the construction compound is shown on the Construction Area-Access Plan. The portacabin and welfare facilities would be removed once construction of the PVs was completed.
- 5.52 Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' North Yorkshire County Council Highways Department have assessed the scheme and have

raised no objections. It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

## **6.0 CONCLUSION**

- 6.1 The proposed development of the site through the installation of a solar photovoltaic farm would have significant benefits in terms of the large scale generation of renewable energy, and this is supported by both national and local planning policies. Furthermore, it would not give rise to concerns in respect of flooding, biodiversity and highway safety. However, it is considered that insufficient evidence has been produced that demonstrates that the solar farm should be located on what is considered to be Best and Most Versatile Agricultural Land. The applicant has failed to demonstrate that this land is the only available land and that other sites have been explored through the submission of a sequential assessment.
- 6.2 Furthermore, the applicant has failed to demonstrate that the development would not have an adverse impact on the character and setting of heritage assets within the village, particularly the Grade I Listed Church and the Conservation Area as a whole, therefore the development is considered to be contrary to NPPF paras 133-134 and LDF Policies DP28 and CP16.

## **7.0 RECOMMENDATION**

- 7.1 That planning permission is **REFUSED** for the following reasons:

1. The proposed development would entail a loss of Grade 2 and Grade 3A agricultural land which is considered to be the best and most versatile. No evidence has been submitted to demonstrate that alternative sites not in agricultural use or comprising lower grade agricultural land have been considered. The proposal is therefore contrary to paragraph 112 of the National Planning Policy Framework.
2. Insufficient information has been submitted in order to fully assess the impacts of the proposed development upon Heritage Assets in the immediate vicinity which include the Ainderby Steeple Conservation Area, the Grade 1 Listed Church of St Helen and the Grade 2 Listed Ladyfield House Farm. It is therefore not possible to ensure that the proposed works are of a type which would sustain and enhance the significance of these heritage assets and is therefore contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and National Planning Policy Framework paragraphs 133-134.

**Parish: Alne**  
Ward: Tollerton

Committee Date: 13 November 2014  
Officer dealing: Mr A J Cunningham  
Target Date: 12 September 2014

**3**

**14/01513/FUL**

**Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 at Village Farm, Jack Hole Lane, Alne for Mr T Clark**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application relates to a site in two parts. The larger element is the re-development of Village Farm and the proposal also includes the conversion and re-construction of two agricultural buildings at the western end of Jack Hole Lane. Both are within the Alne Conservation Area. The Village Farm site extends between Jack Hole Lane to the south and Back Lane to the north, both of which provide vehicular and pedestrian access. It is occupied by a traditional range of Victorian buildings to the south nearest Jack Hole Lane with a modern range to the north adjacent Back Lane.

1.2 Alne is a secondary village under policy CP4 of the Hambleton Local Development Framework (LDF).

1.3 The Village Farm site is flat, roughly rectangular in shape and extends to approximately 0.29 hectares. The proposal for this part of the site comprises:

- The demolition of two open sided barns to the north of the site and a tin barn adjacent the eastern boundary of the site;
- Conversion of a barn (Barn 1) to a single dwelling, with a single storey extension to the rear, adjacent to the western boundary of site, measuring approximately 11.5m x 8m. The proposed accommodation comprises 3 bedrooms, 1 en-suite bedroom and a bathroom at first floor, and lounge, hall, study, kitchen/dining area, utility and integral garage at ground floor level;
- Conversion of a second barn (Barn 2) to a single dwelling, with 2 en-suite bedrooms, 2 bedrooms and a bathroom at first floor level, and a garden room, lounge, hall, kitchen/dining area, utility and study area at ground floor level; and
- Six new dwellings (Units A-F) in a detached 'L' shape to the north of the site: unit A would be an open market 2-storey dwelling with 3 bedrooms and units B to F would comprise 2-storey affordable dwellings with 2 bedrooms each.

1.4 The land at the western end of Jack Hole Lane is surrounded by agricultural land to the north, west and south and the proposal for this part of the site comprises:

- Reconstruction of a barn (Barn 3) partly on the site of a derelict former agricultural building to provide a single storey dwelling with 2 bedrooms, bathroom, hall, lounge, dining/kitchen area, utility and wheelhouse. The structure would have maximum dimensions of 19.2m x 13m, with a total height of approximately 4.4m;
- Conversion of another barn (Barn 4) to provide a 2-storey dwelling with 3 bedrooms, bathroom and an en-suite bedroom at first floor level, and a lounge, study, hall, kitchen/dining area and utility at ground floor level; and
- Conversion of a redundant agricultural building to the south of Barn 4, nearest Jack Hole Lane, to provide a single detached garage for Barns 3 and 4, with the area between this

structure and the highway forming a paved parking and turning area.

1.5 The south of the Village Farm site fronting Jack Hole Lane, with the exception of the access, is bound by a mature mixed native hedge interspersed with shrubs and small trees which extend along the west boundary towards Barn 1. The remainder of the west boundary is formed by the gable wall of Barn 1; a facing brickwork wall with stone copings; the end wall of Barn 2 and is finished by a conifer hedge running towards back lane. The north boundary has two access / egress points either side of a short section of mixed native hedge with some shrubs and small trees. The east boundary extending from Back Lane is formed by mature mixed native hedge interspersed with shrubs and small trees before reaching the modern and traditional buildings. The east boundary carries on around the farmhouse which is enclosed by a vertically close boarded timber fence to the rear and mixed native hedge running adjacent to the access towards Jack Hole Lane.

1.6 A structural engineer's report appended to this application confirms that Barn 1, Barn 3 and the small barn facing Jack Hole Lane are each in a poor state of repair necessitating demolition and rebuilding in line with the submitted plans.

1.7 Amendments were received on 20 October 2014. These have:

- Clarified the details of the passing place to be provided on Back Lane;
- Shown improvements to the natural northern boundary adjacent unit A necessitating the relocation of the car parking spaces to this property within the body of the site;
- Clarified that no surface water from the application site would discharge onto Back Lane
- Confirmed that the proposal would not, at the Jack Hole Lane site, provide an access to the existing dwelling immediately south of the area proposed to be paved;
- Introduced first floor windows to the southern elevation of units D to F in lieu of roof lights to the southern roof slope
- Introduced a landscaping strip atop a raised kerb immediately to the south of unit C and to the northern elevation of units D and E, 7; and
- Introduced energy saving measures to the entire development to align with LDF policy DP34.

1.8 A Unilateral Undertaking to facilitate the full provision of a contribution of £33,078 towards off site open space, sport and recreation facilities in respect of the development has been drafted but is not yet complete.

1.9 Both development sites are positioned within Flood Zone and a Public Right of Way extends along Back Lane and Oakbusks Lane.

1.10 A Contaminated Land Risk Assessment, Heritage Statement and Secured by Design Statement have been submitted in support of this application.

1.11 A Members' site inspection was conducted at peak school time on 13 October to understand the congestion issues on Jack Hole Lane.

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

2.1 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014; reported elsewhere on this agenda.

## **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP8 - Type, size and tenure of housing  
 Core Strategy Policy CP9 - Affordable housing  
 Core Strategy Policy CP9A - Affordable housing exceptions  
 Core Strategy Policy CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 Core Strategy Policy CP19 - Recreational facilities and amenity open space  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP2 - Securing developer contributions  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP5 - Community facilities  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP8 - Development Limits  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP13 - Achieving and maintaining the right mix of housing  
 Development Policies DP15 - Promoting and maintaining affordable housing  
 Development Policies DP25 - Rural employment  
 Development Policies DP26 - Agricultural issues  
 Development Policies DP28 - Conservation  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP34 - Sustainable energy  
 Development Policies DP37 - Open space, sport and recreation  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework  
 Supplementary Planning Document - Open Space, Sport and Recreation - February 2011  
 Affordable Housing - Supplementary Planning Guidance - June 2008

## 4.0 CONSULTATIONS

4.1 Alne Parish Council - Considers the proposals as one given that they are strongly interrelated. Objects to the proposal on grounds of: i. the development being outside of the Development Limits of the village, ii. Its impact on the Conservation Area; iii. The unsustainability of the location, with limited services (including oversubscribed education provision) and public transport links; and iv. Insufficient affordable housing provision would be made outside of Development Limits.

4.2 NYCC Highways - Conditions recommended regarding: discharge of surface water, private access/verge crossings: construction requirements, closing of existing access, visibility splays on back lane, approval of details for works in the highway, completion of works in the highway (before occupation), provision of approved access, turning and parking areas, precautions to prevent mud on the highway, and on-site parking, on-site storage and construction traffic during development.

4.3 Yorkshire Water - Recommend a condition regarding the discharge of foul and surface water.

4.4 Internal Drainage Board - No observations.

4.5 NYCC Education – Seeks a contribution of £33,990 for primary schools serving the locality of the development.

4.6 Environmental Health Officer – no objection; the development would not have a negative impact on amenity.

4.7 Police Architectural Liaison Officer - No specific mention of how security and crime is to be addressed. Would recommend that the houses attain secured by design certification, that external lighting be provided to reduce crime and fear of crime, and that adequate security is implemented during the construction phase.

4.8 Conservation Officer - The application for replacement and conversion of these traditional farm buildings is supported, however the design of the front elevation of Barn 1 requires some alteration, the windows to Barn 2 simplified and concerns regarding the size and scale of Barn 3 addressed. Regarding consideration as a Non Designated Heritage Asset (NDHA); all the barns are likely to meet the Council's criteria 1 (age) 3 (representativeness) and 6 (group value). However: Barn 1 is much altered and in a particularly poor state of repair. Whilst I would wish to see a similar building replace this for the benefit of the street scene and Conservation Area I would be reluctant to call it a NDHA as it is so much altered and of poor quality construction. Barn 2 is of sound construction and could be a NDHA. Barn 3 is so dilapidated I think it would be inappropriate to class it a NDHA. Barn 4 should be a NDHA. (Amendments have been requested regarding the design alterations necessary to Barns 1, 2 and 3 as referred to above)

4.9 Sustainable Development Officer - Comments made regarding sustainable communities, sustainable transport, solar construction, sustainable drainage and biodiversity.

4.10 Network Rail - No observations.

4.11 Housing Services - Alne lies within the hinterland of Easingwold, which requires 50% affordable housing on any proposed scheme in a rural parish of 2 or more properties. In the case of the Village Farm's proposal of 10 units, would trigger a requirement of 5 units. The preferred option would be units on site and a number of meetings have been held with the planning agent and Registered Provider (Broadacres Housing Association). However if this site is sold on, a different Registered Provider may be appointed. The affordable housing contribution of 2 x 2 bedroom houses and 3 x 3 bedroom houses meets the identified need for the parish. These would be sold to the Registered Provider at the Council's Transfer Prices.

4.12 A Community Consultation event was held in the Village Hall on 26 September 2012, to allow residents to comment on the proposed scheme, which has been changed to take into account any comments. At the same time a Housing Need survey was undertaken and has been updated with any recent enquiries regarding housing in the parish. This need identified a need by 14 households in need for 5 x 2 beds, 6 x 3 beds, 1 x 4bed and 1 gave no size requirement. Experience has shown that once a development is granted planning and start on site, the hidden need reveals itself. The housing need did not register anyone wishing to purchase a property on the open market. Housing would support this application.

4.12 Neighbours – 59 comments in summary, mainly concerning:

- i. Harmful to Conservation Area.
- ii. Visual impact to locality.
- iii. Would set future precedent.
- iv. Positioning of proposed dwellings.
- v. Outside of development limits.
- vi. Not in accordance with LDF policies.
- vii. Would change character of Back Lane.
- viii. Impact on highway safety.
- ix. Lack of amenities in Alne.

- x. Improvements to public footpath network.
- xi. Condition of Back Lane.
- xii. Increase in traffic.
- xiii. Alne School at capacity.
- xiv. Support evolving/expanding business.
- xv. Need to consider alternatives to proposed development.
- xvi. The two planning applications should not be considered as one.
- xvii. Overdevelopment of site.
- xviii. Benefits for farm enterprise and rural economy.
- xix. Disruption during construction phase.
- xx. Financing of the new farm complex.
- xxi. Would stretch existing utility infrastructure in Alne.
- xxii. Impact on neighbour amenity.
- xxiii. Improved animal welfare perspective and efficient running of enterprise.
- xxiv. No development on greenfield site.
- xxv. Affordable Housing provision.
- xxvi. Access to site.
- xxvii. Future extension of garden of Barn 4.
- xxviii. Support for the principle of proposal.
- xxix. Lack of public support.
- xxx. External lighting about the development.
- xxxi. Need to attract young people to village.
- xxxii. Bats in buildings.
- xxxiii. Localised drainage/flooding issues.

## **5.0 OBSERVATIONS**

5.1 The main planning issues to take into account when considering this application relate to:

- (a) The principle of development
- (b) Impact on the character, appearance and visual amenity of the area
- (c) Impact on neighbour amenity
- (d) Highway safety
- (e) Impact on protected species
- (f) Affordable housing provision
- (g) Public open space provision
- (h) Education provision
- (i) Sustainable Energy
- (j) Drainage and Flood Risk
- (k) Community Engagement

### The Principle of Development

5.2 Only the southern third of the Village Farm site is within Development Limits. This area would accommodate a paved area, a detached garage and a small portion of the eastern end of Barn 4. The majority of development on this part of the site would therefore be outside of Development Limits and would need to be justified as an exception allowed under Core Policy CP4 or by the National Planning Policy Framework (NPPF).

5.3 The applicant considers that the residential development is required to (a) provide funding necessary to enable the replacement agricultural unit proposed in application 14/01514/FUL to be completed and to allow the agricultural operation to move forward; and (b) to allow for the beneficial re-use of the original farmstead and its traditional buildings. The applicant is viewing the proposal as a package of measures that provide sympathetic infill within the development limits of a settlement within the sustainable settlement hierarchy, and meet an exceptional circumstance of policy CP4 of the LDF to achieve an affordable housing provision to meet a local need.



5.4 As reported in the Conservation Officer's advice, Barns 2 and 4 may be considered as Non Designated Heritage Assets, and their sensitive conversion and restoration could satisfy exceptional circumstance (ii) of policy CP4 which supports proposals that are necessary to secure a significant improvement to the conservation of a feature of acknowledged importance. In this regard, the Alne Conservation Area is also a feature of acknowledged importance and paragraph 131 of the NPPF requires the Council to consider the desirability of new development making a positive contribution to local character and distinctiveness when determining this application.

5.5 Barn 1 is within Development Limits and therefore its conversion is considered acceptable in principle and in accordance with LDF policies. For the remainder of the proposal, the NPPF post-dates the LDF and paragraph 55 states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". The modest growth proposed within the application would assist in the regard. The NPPF does counsel against isolated new homes in the countryside but even then it allows for exceptions, including where it would:

- Represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Both are considered relevant to this scheme.

5.6 LDF Policy CP4 is interlinked with policies CP1 and CP2 which relate to sustainable development and minimising the need to travel. The positioning of the proposed dwellings close to the core of Alne means that sustainable access is provided to facilities that the secondary village has. In principle the proposal is considered compliant with local and national policy.

#### Impact on Character, Appearance and Local Visual Amenity

5.7 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.

5.8 Built form to the rear (north) of properties which run north-south between Jack Hole Lane and Back Lane is limited save for the Village Farm site which has sizeable structures which extend along the entire plot. The baseline character of the area is therefore informed by the historic presence of these structures at Village Farm. The proposed scheme would replicate the massing of buildings which currently exist on site and in turn would maintain the local character that the buildings on site have historically informed. The presence of the existing buildings is in contrast to other land to the rear of properties on the north side of Jack Hole Lane, which have gardens that go beyond Development Limits but are contained within the Alne Conservation Area, which extends to Back Lane. The development would therefore not set a precedent for further development within the conservation area but beyond Development Limits. The appearance and design of the proposed, re-built and converted dwellings at the Village Farm site would be appropriate to the traditional agricultural character which has evolved through the life of the farm complex, and would be appropriate to the locality and the Alne Conservation Area. The re-built and extended and converted building adjacent the end of Jack Hole Lane would represent a sympathetic, traditionally designed approach which would maintain the character and appearance of the locality.

#### Impact on Neighbour Amenity

5.9 The scheme has been sympathetically designed to protect the amenities of occupiers of existing adjacent property and the proposed properties within both sites. The positioning of first floor windows has been scrutinised as have the separation distances, the orientation of proposed

structures to adjacent property, the existing and proposed boundary treatments of both sites, and the likely activity generated by the development of both sites. Neighbour amenity would be satisfactorily safeguarded in accordance with LDF policy DP1.

### Highway Safety

5.10 The positioning of the proposed accesses to the public highway network, the public highway network which links to these accesses, and the on-site parking provision have been assessed. The context of the existing agricultural activities at both the Village Farm and Jack Hole Lane sites has been considered against the residential proposals and the localised traffic implications of both uses. Back Lane is a relatively narrow access road and the proposal incorporates a passing place to alleviate congestion. This is an improvement to the scenario which currently exists. It is recognised that the continued use of Back Lane by the relocated agricultural complex the subject of 14/01514/FUL would generate a low degree of traffic (less so as the complex would be better related to its existing land holding although it is recognised that the applicant undertakes off-site agricultural contractual work). An increase in activity would arise from the vehicular and pedestrian traffic generated by units A-F, but not to a level which would adversely impact on highway safety.

5.11 Regarding the developments taking their access from Jack Hole Lane, it is recognised that a degree of congestion occurs around the start and finish of the school day. It is important to consider the likely vehicle and pedestrian movements resulting from the proposed development when reaching a conclusion as to whether they would raise an adverse impact on highway safety through worsening an existing problem or introducing fresh issues. Typically peak vehicle movements from a property would take place around 8am, potentially at midday, and at 5pm. Congestion around the school and Jack Hole Lane, would intensify between 8:30 and 9am, and between 3 and 3:30pm. The most common vehicle movements of the proposed development would not therefore directly coincide with those of Alne School and it is recognised that additional attendees resulting from the proposed development would be likely to walk to the school. Consequently it is not considered that the works would give rise to an unacceptable highway safety issue. In conclusion the whole development, subject to the recommended conditions of the local highway authority would not harm highway safety.

### Protected Species

5.12 A bat scoping survey of the buildings associated with the development was undertaken in February 2012 and then updated in July 2013. No evidence of bats was found during the first survey and only a single bat dropping was found during the updated survey. Overall, the buildings are considered to have no significant bat roost potential, so the proposed development is considered unlikely to have an adverse impact on bats. Nesting Swallows and House Sparrows were recorded using the buildings at the time of survey. The survey advised that because birds were found nesting in the surveyed buildings care must be taken not to disturb nests while they are in use. If work is to commence after the beginning of March the buildings must be secured prior to March to prevent birds starting to nest. If nesting has begun before building works start disturbance to the nest must be avoided whilst it is being built or when it contains eggs or young. In view of the time which has lapsed since the last update to the survey the applicant has been requested to provide an updated assessment of the buildings. This could be the subject of a pre-commencement planning condition which would ensure that any recommended mitigation measures are implemented.

### Affordable Housing

5.13 Affordable Housing provision for the proposed development is required, according to policy CP9A of the LDF to be 100% where it is positioned outside the Development Limits of secondary villages to meet an identified local need and where any development is small in scale. The applicant has approached the scheme on the basis of the criteria of CP9 where 50% of the dwellings proposed within the development are affordable. Policy CP9 is applicable where the

development is wholly within development limits which the affordable element is not. The policy requirement is not therefore met in this instance as an open market unit has been interspersed with the affordable housing element. The interspersal was at the Council's suggestion to ensure that the affordable units are integrated within the development. The National Planning Policy Framework at paragraph 50 supports this approach and it is noted that this national policy was adopted more recently than the Council's LDF.

### Public Open Space

5.14 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

5.15 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 standards are met, because the Council's evidence base indicates significant shortfalls in the amount of Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD). In this instance the applicant has chosen to make the full required contribution towards off site provision.

5.16 The scheme requires a contribution of £33,078 towards the provision of off-site open space, sport and recreation provision to meet the policy requirements of DP37 of the LDF. A draft Unilateral Undertaking has been received and is currently being processed but has not been completed.

### Education

5.17 LDF policy DP2 stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.

5.18 In addition, LDF policy DP5 advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services.

5.19 The County Council has requested an education contribution of £33,990 for primary schools serving the locality of the development. The mechanism for this contribution would need to take the form of a legal agreement which could be combined with the current draft agreement in respect of off-site open space, sport and recreation provision.

### Sustainable Energy

5.20 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.

5.21 Amendments to the scheme have addressed the issue of sustainable energy and the policy requirements of DP34 of the LDF. The applicant confirms that they: "have introduced solar hot water panels to each dwelling which will provide between 50 - 60% of the annual domestic hot water demand, and a 10KW photovoltaic system to the calf rearing shed (14/01514/FUL) which will

achieve a saving upwards of 5000kgs of carbon dioxide annually. This is in addition to the sustainable construction methods etc. as outlined in the original supporting documentation". In the event that the Council is minded to grant planning permission, a suitably worded condition could be imposed to secure the implementation of these renewable energy technologies.

### Drainage and Flood Risk

5.22 LDF policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.

5.23 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.

5.24 LDF policy DP6 stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.

5.25 Yorkshire Water and the Council's Senior Drainage Engineer have been consulted on the proposal and have not raised any adverse issues in regard to localised drainage/flooding.

### Community Engagement

5.26 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.

5.27 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

5.28 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants undertook pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals.

5.29 In response to the concerns of the Parish Council and local people not already addressed, it is considered that:

- The increased use of Back Lane and the upgrade measures to provide a passing place would not harmfully alter its character;
- The proposal would not interfere with the public footpath network and a condition could be imposed to ensure that this is maintained clear from obstruction at all times;
- The condition of Back Lane is a matter for the Highway Authority to monitor and act on as necessary;
- It is considered entirely reasonable to consider 14/10514/FUL alongside this scheme given the type of this concurrent proposal and the implications it would have on this proposal;
- The proposal would make optimal use, but not constitute overdevelopment, of the site;
- Disruption for a limited period is inevitable during the construction phase however due to the close proximity of the proposed development to adjacent existing dwellings it is considered necessary to attach an hours restriction on any permission granted;
- The finance of the new farm complex cannot be considered in the determination of this

- application;
- The development would not place an unacceptable burden on utilities within Alne. It is noted that Yorkshire Water has not objected to the scheme;
  - Any extension of the domestic curtilage of Barn 4 (or any other dwelling) beyond that shown in this application would necessitate an application for planning permission, which would be considered on its own merits at that time; and
  - The provision of external lighting about the proposed development could be controlled by planning condition.

## Conclusion

5.26 The principle of the scheme is considered acceptable insofar as when considered as a package it meets an exceptional circumstance of policy CP4 in that it makes provision for affordable housing to meet an identified local need and would secure a significant improvement to the conservation of a feature of acknowledged importance. The development would not have a harmful impact on the character, appearance and visual amenity of the surrounding area, nor would the proposal introduce a harmful impact on neighbour amenity. The proposal would not raise any unacceptable adverse highway safety issues. Subject to the updated protected species survey the scheme would not harm protected species. The scheme meets the national policy requirements regarding the provision of affordable housing and subject to the completion of the Unilateral Undertaking would make the required contribution towards the off-site provision of open space, sport and recreation. Subject to the completion of planning obligation the scheme would make sufficient contribution towards local education improvements. The scheme includes the required sustainable energy measures set out policy DP34 of the LDF, and there is no harmful impact to the development from localised drainage and flood risk issues. Consequently the scheme is recommended for approval subject to any outstanding information mentioned above and the findings of the re-notification process which expires on 7 November 2014.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations and the satisfactory completion of a planning obligation to secure appropriate affordable housing provision on site and a contribution toward open space, sport and recreation provision, the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 July 2014 as amended by the drawings and details received by Hambleton District Council on 20 October 2014 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. Prior to the development commencing, details of the cross section of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.

5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details set out on drawing number 3527/VF/019A received by Hambleton District Council on 20 October 2014. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
7. 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.
8. 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 7 above.
9. No more than 2 dwellings comprised in the General Market Housing Scheme shall be occupied until the Affordable Housing Scheme is ready for occupation.
10. No person or persons shall occupy all or any part of the housing in the Affordable Housing Scheme ("the Affordable Housing") unless he or she is a tenant and unless: a) he or she is a person in need of such accommodation as defined in the Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Condition 11 below; or b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or c) he or she has upon the death of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or d) he or she has succeeded to the tenancy as a result of a Court Order.
11. Subject to Condition 10 no person or persons shall occupy all or any part of the Affordable Housing Unless he/she is a person who is in need of such accommodation and who: a) has immediately prior to such allocation been ordinarily resident within the Easingwold Service Centre Hinterland (the hinterland as defined within the LDF Core Strategy) for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the hinterland for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the hinterland for at least twelve months; or d) is immediately prior to such allocation permanently employed in the hinterland.
12. At all times in allocating or managing the units of accommodation in the Affordable Housing the Owner shall: a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Housing Corporation Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Housing Corporation documents; and b) charge rents which are no higher than the Benchmark rents for the area specified by the Housing Corporation from time to time.
13. Prior to first occupation or use of any part of the development hereby approved the Secured by Design details set out in the Secured by Design Statement received by Hambleton District Council on 18 July 2014 shall be implemented in full and retained thereafter.

14. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

15. The site shall be developed with separate systems of drainage for foul and surface water.

16. Prior to first occupation of the development hereby approved the details demonstrating how compliance will be achieved with the requirements of Policy DP34 (Sustainable Energy) of the Hambleton Local Development Framework shall be implemented in full and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

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

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(a) The existing access to barns 3 and 4 shall be improved and reconstructed to give a minimum carriageway width of 5 metres for a distance of 6 metres back from the edge of the major road and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6VAR.

(ii)(b) The access to units B-F from Back Lane shall be improved and reconstructed in accordance with the submitted drawing reference 3527/VF/019A and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6VAR.

(ii)(c) The access to unit A from Back Lane shall be constructed in accordance with the submitted drawing reference 3527/VF/019A and Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.

(vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

19. No part of the development shall be brought into use until the redundant sections of the existing access on to Back Lane have been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.

20. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured to the centre line of Back Lane from a point measured 2.0 metres down the centre line of the accesses. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility

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

21. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority; and
- (ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include provision of a passing place on Back Lane

22. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 21: provision of a passing place on Back Lane.

23. 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 3527/VF/019A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

24. 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.

25. 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;
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

26. Prior to the commencement of development a method statement detailing the proposed demolition and refurbishment of structures on site shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.

27. No works shall be undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The building shall be carefully taken down or dismantled and the materials contained in the schedule and stored



for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.

28. 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.

29. 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.

30. 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.

31. 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.

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 that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that the appearance of the windows are appropriate to the character and appearance of the Alne Conservation Area.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In order to protect the amenities of residential property in the locality.
7. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
8. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
9. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.

10. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
11. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
12. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
13. 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.
14. To maintain the free flow of the Public Right of Way.
15. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
16. In the interests of minimising energy demand, improving energy efficiency and promoting renewable energy generation in accordance with policy DP34 of the Hambleton Local Development Framework.
17. In the interests of highway safety.
18. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
19. In the interests of highway safety.
20. In the interests of highway safety.
21. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
22. In the interests of the safety and convenience of highway users.
23. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In the interests of highway safety.
25. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
26. In the interests of local amenity.
27. In the interest of maintaining the character of the area and conservation of existing building materials.
28. 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.
29. In the interests of local visual and neighbour amenity.

30. 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.

31. To safeguard against harm to any protected species present within the buildings.

**Parish: Alne**  
Ward: Tollerton  
**4**

Committee Date : 13 November 2014  
Officer dealing : Mr A J Cunningham  
Target Date: 12 September 2014

**14/01514/FUL**

**Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014.  
at Village Farm Jack Hole Alne North Yorkshire  
for Mr T Clark**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application seeks planning consent for the construction of an agricultural worker's dwelling and two agricultural buildings at Village Farm, Alne. The application site is positioned to the north-west of Alne outside of the Development Limits and is positioned to the west of Oakbusks Lane, approximately 70 metres from the Conservation Area boundary.

1.2 The proposal is for the construction of a dwellinghouse which would provide for at ground level, a lounge, hall, cloakroom, pantry, dining/kitchen, snug, utility, office and integral garage. At first floor level two bedrooms, a bathroom and an en-suite bedroom with a dressing area would be provided, and second floor level two additional bedrooms and a bathroom are proposed.

1.3 The proposed dwelling would have maximum dimensions of 18.8m x 12.5m, with a total ridge height of approximately 8.8m. Materials for the structure would comprise red facing brickwork, red clay pantiles and timber windows and doors.

1.4 A parcel of domestic curtilage is proposed around the dwellinghouse with a driveway positioned to the east of the curtilage. A mixed native hedgerow and timber post and rail fence is proposed to separate the domestic curtilage to the agricultural land beyond.

1.5 The scheme includes the construction of the two agricultural buildings to the western periphery of the site. The calf rearing building would measure approximately 24m x 12m, with a total height of approximately 7.5m. The general purpose agricultural building would measure approximately 36m x 12m, with a total height of approximately 7.5m. Materials for the proposed structures would comprise concrete panel and profile sheet walls with a fibre cement roof.

1.6 This scheme is associated with the current application of 14/01513/FUL for the re-development of the existing farmstead between Back Lane and Jack Hole Lane within Alne for housing, reported elsewhere on this agenda. This scheme is supported by an agricultural appraisal which has reviewed this concurrent scheme and its implications for the proposed agricultural workers dwelling, and concludes that there is a clear functional need for an additional agricultural worker's dwelling.

1.7 Village Farm extends to 90 hectares. The enterprise comprises cropping and livestock. As of July 2014 there were 152 head of cattle on the farm.

1.8 The scheme has been amended to introduce energy saving measures to the proposed dwelling and agricultural buildings.

1.9 A public right of way extends along Oakbusks Lane.

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

2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings; reported elsewhere on this agenda.

### **3.0 NATIONAL AND LOCAL POLICY:**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP25 - Rural employment  
Development Policies DP26 - Agricultural issues  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Alne Parish Council - Considering the proposals as one given that they are strongly interrelated. Object to the proposal on grounds of: (i) the development being outside of the Development Limits of the village; (ii) its impact on the Conservation Area; (iii) its unsustainability - limited services (including oversubscribed education provision) and public transport links; and (iv) insufficient affordable housing provision outside of Development Limits.

4.2 NYCC Highways - Condition recommended regarding the provision of an approved turning and parking area.

4.3 Yorkshire Water - Water Supply - water supply can be provided under the terms of the Water Industry Act, 1991. Waste Water - This proposal is in an area remote from the nearest public foul sewerage network (would mean crossing land and roads not in applicant's ownership). In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

4.4 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.

4.5 Neighbours – 47 comments in summary mainly concerning:

- i. Harmful to the Conservation Area.
- ii. Labour requirements inaccurate.
- iii. No justification for an additional dwelling.
- iv. Location and massing.
- v. PPS7 requirements not met.

- vi. Visual impact to locality.
- vii. No existing security measures.
- viii. Would set future precedent.
- ix. Positioning of proposed dwelling.
- x. What happens if the business fails?
- xi. Who will occupy the proposed dwelling?
- xii. No functional need for permanent dwelling on site.
- xiii. Can use alternative technology to monitor new farm complex.
- xiv. Outside of development limits.
- xv. Not in accordance with LDF policies.
- xvi. Would change the character of Back Lane.
- xvii. Impact on highway safety.
- xviii. Lack of amenities in Alne.
- xix. Improvements to public footpath network.
- xx. Condition of Back Lane.
- xxi. Increase in traffic.
- xxii. Alne School is at capacity.
- xxiii. Support evolving/expanding business.
- xxiv. Need to consider alternatives to proposed development.
- xxv. The two planning applications should not be considered as one.
- xxvi. The business is not strong enough to justify an additional dwelling.
- xxvii. Overdevelopment of the site.
- xxviii. A temporary caravan would allow residential presence during calving instead.
- xxix. The dwelling too large.
- xxx. Benefits for farm enterprise and rural economy.
- xxxi. Disruption during construction phase.
- xxxii. The existing farmhouse can satisfy the needs of the new complex.
- xxxiii. Security not justification in its own right.
- xxxiv. Financing of the new farm complex.
- xxxv. Would stretch existing utility infrastructure in Alne.
- xxxvi. Impact on neighbour amenity.
- xxxvii. Improved animal welfare perspective and efficient running of enterprise.
- xxxviii. No development on greenfield site.

## **5.0 OBSERVATIONS**

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed agricultural worker's dwelling and additional agricultural buildings in this location; any impact on the visual amenity of the surrounding countryside, any impact on neighbour amenity; any highway safety issues that may arise; and the required contribution towards the off-site provision of open space, sport and recreation provision.

5.2 Paragraph 28 of the NPPF states that Local Planning Authorities should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings." It goes on to say that they should also "promote the development and diversification of agricultural and other land-based rural businesses." Paragraph 55 states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". The paragraph, nevertheless goes on to say "Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." Policy CP4 fully reflects this statement in requiring that any development outside development limits will only be permitted in exceptional circumstances when it is necessary to meet the needs of an enterprise to locate in the countryside and will help to support a sustainable rural economy. Policy DP9 states that 'Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4, or

where it constitutes a replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.'

5.3 Consideration in this case needs to be given to the "essential" need (NPPF) and the "exceptional" nature of the need (LDF) for a new dwelling on the holding. The farm labour force is composed of Mr T Clark whom is semi-retired and his son, Mr A Clark who is full time. Another son assists at peak labour times. The existing farmhouse on the existing Village Farm site will not continue to provide accommodation for Mr Clark Senior. The proposed agricultural worker's dwelling the subject of this application would provide accommodation for Mr Clark Junior. The redevelopment of the existing farmstead for housing and the relocation of the agricultural enterprise west of Oakbusks Lane would move the farm complex out of sight and sound of the existing farmhouse. The agricultural appraisal of the applicant's enterprise has set out the specific needs of the farm enterprise, particularly the implications of moving the livestock to the 'new' complex. In terms of the functional needs of the farm enterprise it is evident that a residential presence is essential on the 'new' site in order to provide a required supervision of the livestock enterprises.

5.4 The agricultural appraisal concludes: "A John Nix Farm Management Pocketbook Standard Man Day analysis totalling the entire labour requirement of animals and crops yields a figure of over 300 Standard Man days. As a standard worker is capable of working 275 Standard Man Days the requirement at Village Farm is over 300, or more than 1 full time worker. However that would have to be adjusted upwards as the traditional farm buildings are particularly labour intensive, nearer to 1.5 workers. It should also be born in mind that as the number of calves reaches the maximum of 120 the labour requirement will rise substantially, approaching 2 full time workers". The reference to the traditional farm buildings would carry less weight as these buildings are to be converted to residential uses and would no longer form part of the farm enterprise. Notwithstanding this it is considered that the "essential" need for the proposed dwelling relates to a full time worker.

5.5 The applicant's agricultural appraisal advises that the farm business has been established for many years and is financially sound, viable and profitable with clear prospects of remaining so. This is reinforced by business accounts supplied in confidence.

5.6 Given the justification above and taking into account the relocation of the existing livestock buildings away from the existing farmhouse it is considered that the siting satisfies the functional requirements of the business.

5.7 The design, scale and materials of the dwelling and agricultural buildings are considered appropriate to maintaining the visual amenity of the locality. It is noted that their presence would introduce built form into a largely uninterrupted area of countryside however the structures would be positioned in close formation with the existing modern portal framed buildings on site as is commonplace in the rural landscape and therefore the character and appearance of the area would not be harmfully eroded. The positioning of the agricultural buildings is away from sensitive receptors and would not raise any harmful impact through noise and odour. The dwelling would be isolated from nearby dwellings and would not introduce any adverse amenity impacts. It is important to impose a planning condition retaining the proposed dwelling for use by agricultural workers to ensure that it is available for this intended use and that the occupants would not suffer an adverse amenity impact. Furthermore, it would be appropriate to tie the implementation of this development to the redevelopment of the sites within the village because unless and until they go ahead, the need for this development is much reduced.

5.8 The vehicle movements and access needs of the existing enterprise and the relocated enterprise have been assessed. The dwelling and farm complex would be better related to the applicant's land holding than the existing scenario and therefore the proposal would bring about an improvement from a highway safety perspective. NYCC Highways have appraised the scheme and not raised an objection subject to a recommended planning condition. Therefore proposal would not have adverse impact on highway safety.

5.9 The applicant has drafted a Unilateral Undertaking to contribute £4,410.40 towards off-site provision of open space, sport and recreation facilities in line with Council policy. This obligation has yet to be completed and therefore the recommendation of this report is subject to the satisfactory completion of the document prior to any decision being issued.

5.10 In response to the concerns of the Parish Council: the proposed development has been justified as an exceptional circumstance outside development limits, the proposal is outside of the Alne Conservation Area and would not result in a harmful impact on its setting, the sustainability and affordable housing issues are more related to application 14/01513/FUL and will be commented upon in the report on this scheme. The neighbour comments are noted and in response to the points not already addressed above:

- The proposed dwelling and agricultural buildings would not harm the character of the Conservation Area.
- The labour requirements have been scrutinised and are not considered inaccurate.
- The location of the proposed dwelling and agricultural buildings are positioned close to the existing modern agricultural buildings adjacent Oakbusks Lane and so would not unacceptably cause any massing issues to the locality.
- The security measures at the existing site are not material to this application.
- No future precedent would be set as each exceptional circumstance in terms of policy CP4 is assessed on its own merits.
- The future viability is assessed by the financial appraisal of the enterprise to ensure that the likelihood of its failure is minimised. In any event the dwelling could only be occupied by a person fulfilling the agricultural occupancy condition attached to any permission granted.
- Mr Clark Junior is to occupy the proposed dwelling.
- Modern technologies provide no workable substitute for being within sight and sound of this type of agricultural enterprise.
- The proposal does not interfere with the public footpath network, and a condition will be imposed to ensure that this is maintained clear from obstruction at all times.
- The condition of Back Lane is a matter for the local highway authority to monitor and act on as necessary.
- It is considered entirely reasonable to consider 14/10513/FUL alongside this scheme given the type of this concurrent proposal and the implications it would have on this proposal.
- A temporary residential presence has not been submitted for consideration.
- The dwelling is sizeable but is not considered an unreasonable level of accommodation for an agricultural worker and their family.
- Disruption for a limited period is inevitable during the construction phase however due to the separated position of the proposed dwelling and buildings to adjacent existing dwellings it is not considered necessary to attach an hours restriction on any permission granted.
- How the new farm complex is financed cannot be considered in the determination of this application. The viability of the proposed enterprise and its future prospect of remaining so can be considered in this instance.
- The additional dwelling and buildings would not place an unacceptable burden on utilities within Alne. It is noted that Yorkshire Water has not objected to the scheme.

5.11 The concerns of the neighbours and Parish Council as addressed above are noted however the proposal is considered to satisfy the policies of the Hambleton Local Development Framework in terms of principle, neighbour and visual amenity and highway safety, and on completion of the legal agreement regarding open space, sport and recreation provision would also comply in this regard. The scheme is recommended for approval.

5.12 The proposed agricultural worker's dwelling and agricultural buildings are considered to be acceptable in this location due to the demonstrable agricultural need and would not raise any harmful visual or neighbour amenity issues. The development would not raise any adverse highway safety issues. Subject to the completion of the Unilateral Undertaking regarding the off-



site provision of open space, sport and recreation facilities the scheme complies acceptably with the above policies.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations and the satisfactory completion of a planning obligation to secure a contribution toward open space, sport and recreation the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 July 2014 as amended by the drawings and details received by Hambleton District Council on 20 October 2014 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 3527/AW/06). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling and no building or other structure shall be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
9. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

10. The agricultural worker's dwelling hereby approved shall not be occupied more than 1 month before the completion and stocking of the proposed agricultural buildings unless otherwise agreed in writing by the Local Planning Authority.
11. The agricultural worker's dwelling hereby approved shall not be occupied until contracts for the redevelopment of the existing Village Farm site the subject of planning application reference 14/01513/FUL have been exchanged.

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 that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and to control the size of the property in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32 and to ensure it remains of a size that is commensurate to the holding which it serves.
9. In order to soften the visual appearance of the development and provide any appropriate screening.
10. To ensure that there is an essential requirement for the agricultural workers dwelling to locate in this countryside location and to ensure that there is an essential need for a rural worker to live permanently at their place of work in the countryside in accordance with policy CP4 of the Hambleton Local Development Framework and Paragraph 55 of the National Planning Policy Framework.
11. To ensure that there is an essential requirement for the agricultural worker's dwelling to locate in this countryside location and to ensure that there is an essential need for a rural worker to live permanently at their place of work in the countryside in accordance with policy CP4 of the Hambleton Local Development Framework and Paragraph 55 of the National Planning Policy Framework.

**Parish: Great Ayton**  
Ward: Great Ayton  
**5**

Committee Date : 13 November 2014  
Officer dealing : Mrs B Robinson  
Target Date: 2 December 2014

**14/02065/FUL**

**Alterations and extensions to rear of existing bungalow and widen access.  
at 9 Easby Lane Great Ayton North Yorkshire TS9 6JT  
for Mr Craig Vernon.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The site includes a brick bungalow with an integral garage and a small veranda feature on the front elevation. There is a full height gable projection on the front. At the rear there is a small kitchen extension 2.2 metres deep x 4 metres wide with a rendered exterior and a mono-pitch roof. The front boundary is hedged. To the rear there are mature trees. The adjacent properties are both bungalows. To the north, 7 Easby Lane has an obscure glazed window facing the side of no 9. The boundary between no 7 and no 9 is a low picket fence. To the south, 11 Easby Lane has a driveway on its north side and there is a small entrance porch on the gable elevation facing the application site.

1.2 The proposal is to widen the existing single storey rear extension by 3 metres and construct a similarly sized extension (5.2 x 2.2 metres) at the opposite side of the rear elevation, with a rendered finish. The extensions each have a mono-pitch roof, and the roof is continued across the gap between the two extensions to form a covered veranda. A new gable window is proposed in the upper part of each of the gable ends.

1.3 The access would be widened from 2.6 to 3.6 metres.

1.4 The application also shows 4 roof lights high on the front roof slope and 4 roof lights in the new, lower, roof on the rear elevation.

1.4 The application is for consideration by the Planning Committee as the partner of the applicant is a Council officer.

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

2.1 None.

## **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Parish Council – comments awaited.

4.2 Neighbours and site notice - one letter received, objecting to the proposed gable window and raising concerns over loss of privacy to a bathroom in south gable wall of the neighbouring house. The proposed window should be obscured glazed.

4.3 Highway Authority – comments awaited.

## 5.0 OBSERVATIONS

5.1 The main issue in determining this application is the design of the extension, and whether the proposal is appropriate to the existing house street scene. Any likely effects on the amenities of neighbouring occupiers will also require consideration.

5.2 The proposed additions to the rear would be modest in size and would reflect the pitched roof and design features of the existing house. The external render finish would be in keeping with the existing extension. Overall the rear extensions would blend well with the existing house.

5.3 The new rear extension would be single storey and small in size and would not affect the amenities of neighbouring occupiers at no 11. The further extension of the existing kitchen would be away from the boundary and would not affect neighbours at no 7.

5.4 The house is broadly in alignment with its neighbours and the proposed gable windows would therefore be visible only in passing and would not be prominent in the street scene. The proposed gable windows would face the hipped roofs of each of the neighbouring properties. No 7 has a window in the side wall which is obscure glazed and any overlooking from the proposed gable window towards the window on no 7 would be at an angle and particularly since the affected window is obscure glazed, there would not be any unacceptable effect on the amenities of these neighbours. No 11 has a covered porch facing the application site, and the proposed window would not result in unacceptable loss of amenity to occupiers there.

5.5 The proposed roof lights in the main roof are by themselves permitted development. Their visual impact is reduced by the projecting front gable. Roof lights in the side of the front gable would overlook the front gardens of neighbouring houses, which are by their nature not private, and this would not harm privacy of neighbouring occupiers. The proposed rear roof lights would be private to the property concerned and would not affect neighbouring occupiers.

5.4 The proposed alterations to the access would facilitate its continued domestic use and would not affect road safety (subject to the observations of the Highway Authority).

5.5 With regard to the comments of a neighbour, the affected window is obscure glazed, it is currently in an exposed position easily visible from the side path of no 9, and as noted above, the proposed gable window would not result in an unacceptable loss of privacy to the neighbouring property.

## 6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PO3 Rev A received by Hambleton District Council on 7 October 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

**Parish: Northallerton**  
Ward: Northallerton North  
**6**

Committee Date: 13 November 2014

Officer dealing: Mr T J Wood

Target Date: 31 October 2014

**14/01626/FUL**

**Demolition of hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, off-site highway works, car parking and landscaping works.**

**at Rutson Hospital, High Street, Northallerton, North Yorkshire  
for Jomast Developments Ltd and Marks & Spencer Plc.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application relates to the 0.3 hectares of land between the High Street and Brompton Road that was formerly occupied by the NHS Rutson Hospital. The property on the High Street frontage has offices to the north and estate agents to the south, each with residential accommodation above ground floor level.
- 1.2 Metered parking operates on the High Street in front of the application site.
- 1.3 The High Street frontage buildings are of mixed ages and are Listed Buildings. A separate report considers an associated Listed Building Consent application (14/01627LBC). The buildings are two storey, of brick below tile and slate roofs. A low and narrow pedestrian passageway under the northern end of the building links through to the car park at the rear of the former hospital.
- 1.4 Behind the High Street frontage there are extensions also of varied ages and architectural styles that have been created to accommodate the needs of the hospital. The grounds include a former caretaker's dwelling and gardens including a secluded garden to the rear of the frontage building.
- 1.5 Vehicular access to the site is taken from Brompton Road. The entrance has a wide dropped kerb. The entrance is flanked to the south by a low wall (approx.0.5 metres) topped by a timber fence and to the north brick boundary walls each about a metre high separates the site from the vehicular access to a business unit and to the Old Manse.
- 1.6 The tarmac car park is shown to accommodate 36 cars.
- 1.7 To the south side of the site along the Friarage Street frontage are the Masons Arms public house, 12 Friarage Street, formerly part of the hospital, and an open space maintained by the Town Council.
- 1.8 Crossing the site from west to east, from the High Street to Brompton Road, the proposed works are as follows:
  - To reinstate boundary railings to the High Street frontage
  - To change the use of the hospital buildings to form a public house and restaurant.
  - Demolition of the metal emergency exit from the first floor of 79 High Street
  - Demolition of the part of the rear wing of 78 High Street
  - Conversion of, and extension to, the rear of 78 and 79 High Street to form cellar and trading area at ground floor, kitchens, staff facilities and plant rooms at first floor

- Construction of a canopy within the garden to the rear of 78 and 79 High Street
- Construction of a glazed single storey extension to the rear of 78 and 79 High Street
- Form new pedestrian entrance from the north side of 78 High Street accessible from the permissive path between the High Street and Brompton Road.
- To create an external dining and beer garden
- Demolition of 12 Friarage Street
- Construction of a food store with gross internal area of 1,489 sq. m and a net sales area of 838 sq. m.
- Pedestrian entrance to the food store in the position of 12 Friarage Street.
- 3 Cycle racks to Friarage Street entrance
- Covered entrance extending over disabled and family parking area, trolley bay and delivery area
- Off-site highway works to realign kerbs to Brompton Road and Friarage Street roundabout to reduce carriageway width and modification to the Friarage Street zebra crossing (widened by 1 metre), to reduce the pinch point on the south side of Friarage Street by widening the carriageway, proposed hatching and yellow box on Brompton Road and improved pedestrian crossings on the three legs of the roundabout.

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

- 2.1 04/00753/LBC - Application for Listed Building Consent for alterations and single storey extension to existing hospital ward permission; granted 24 May 2004. This application related to a small extension to the modern building to provide additional accommodation in the palliative care section of the hospital.
- 2.2 14/01627/LBC – Listed Building Consent for the demolition of a hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, car parking and landscaping works; reported elsewhere on this agenda.

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP3 - Community assets  
 Core Strategy Policy CP14 - Retail and town centre development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP5 - Community facilities  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP20 - Approach to town centre development  
 Development Policies DP21 - Support for town centre shopping  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP32 - General design  
 Development Policies DP34 - Sustainable energy  
 Conservation Area Appraisal Northallerton Supplementary Planning Document - adopted 21 December 2010

## **4.0 CONSULTATION**

### **Northallerton Town Council**

- 4.1 The resolution of the Town Council was to support the development of the Rutson site.

However, members expressed concerns relating to traffic issues, in particular traffic build up on Stokesley Road at its point of the proposed hatched area and at the roundabout of Friarage Street. Concerns were also raised about possible congestion on Friarage Street near to the Masons Arms being there is no loading bay on that side of the road to service delivery vehicles. Additionally it is felt the zebra crossing at its junction with the High Street would be best moved a little further into Friarage street, past the Masons and in line with the newly proposed ginnel as the public often encounter problems crossing the road due to cars stopped on the crossing at the junction.

### **Highway Authority**

- 4.2 In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The site is located in the central core of Northallerton and has frontage onto High Street North, Friarage Street and Brompton Road. The existing access to the site is from Brompton Road. An access to Brompton Road will be retained in an enhanced form to better accommodate the traffic associated with the site.

The applicant has submitted a Transport Assessment (TA) which considered in detail the traffic that will be generated by the site and how it will distribute on the highway network in this key part of Northallerton's highway network. This work included using output from the Northallerton traffic Model to establish base flows. Whilst some of the flows may appear not to reflect the queuing that occurs on Friarage Street further investigation has indicated that this is quite random and is probably attributable to the closure of level crossings. The TA has shown that very little of the traffic generated by the site will be new trips with most journeys being either diverting from an existing trip e.g. travel home from work or linked to other shopping in Northallerton. Consequently the impact on the junctions considered is not 'severe'.

However as the developer is aware of the issues at Friarage Street they have proposed a series of improvements to Friarage Street itself and the Brompton Road Friarage Street Roundabout. The roundabouts is amend by moving the central island, to better use the available highway space and provide pedestrian crossing points on all three legs of the roundabout. This also allows two longer lanes for any queuing traffic in Friarage Street.

To add to the enhanced pedestrian facilities the 'pinch point' for pedestrians travelling north from the High Street along the southern side of Friarage Street is widened to improve pedestrian access to the site from the High street. Coupled with this the Zebra crossing will be widened to emphasise the importance of pedestrians in this area.

There is currently parking on the site which accommodates over 25 cars. The proposals will provide 36 parking bays including three disabled bays. This is a small car park for such a facility however after much discussion the Local Highway Authority has accepted that the provision of a variable message sign at the site entrance coupled with active management of the car park will not create conditions prejudicial to highway safety.



The applicant has demonstrated how servicing vehicles will enter and leave the site. This will be in forward gear with all manoeuvring taking place within the site. Amended white lining on Brompton Road will assist the HGV drivers and minimise the impact on the highway. To further assist matters the provision of a Delivery Management Plan is to be conditioned. This will control scheduled delivery times, routing etc.

A Travel Plan to encourage reducing the number of trips by private car has also been provided.

In conclusion the local Highway authority considers that the applicant is proposing amendments to the highway network which will be a positive benefit to the highway network and recommends that conditions are attached to any permission granted

### **NYCC Archaeology**

- 4.3 The site lies in an area of high archaeological potential. A written scheme of investigation has previously been prepared and approved by the NYCC Archaeology section. Trial trenching was subsequently undertaken this found the earliest archaeological evidence dated to the Roman period, which although residual indicates Roman activity nearby. The earliest evidence of occupation of the site dates to the medieval period probably represented activity associated with burgage plots on land likely to have been rented from the nearby Carmelite Friary. 13th-century pottery from some features does suggest that there was occupation here prior to the founding of the friary a short distance to the east.

Accordingly, a series of recommendations for archaeological mitigation have been proposed against the impact of the development. This would comprise:

- i. Removal under archaeological supervision of modern car park surfaces and overburden across the footprint of the development and associated areas of disturbance, followed by archaeological cleaning to expose the extent of surviving in situ remains;
- ii. Excavation of archaeological deposits within identified hot spot areas guided by the agreed research and investigation strategy to include appropriate palaeoenvironmental sampling and application of scientific dating techniques;
- iii. Conservation of finds and any samples recovered;
- iv. An archaeological watching brief of other associated development works.
- v. Archaeological building recording of the exteriors and interiors of the 18th century buildings to EH level 3 and parts of the 19th century buildings to level 2;
- vi. Providing public interpretation and if possible a range of opportunities for community access. The extent of interpretation will depend on budgetary constraints and health and safety issues;
- vii. Production of a post excavation analysis report including specialist assessment of finds and samples, identification of the need, appropriate scale and costs of any further work, publication and archiving. The post excavation analysis should combine the results of the watching brief, the excavation and the building recording;
- viii. Further analysis and publication of results as required, and to be the subject of a future costing and contract award. Initial indications suggest that the results will be significant enough to merit publication in a local or regional archaeological journal or web publication and costs will be identified for this in due course; and
- ix. Subject to the above mitigation works, the impact of the development upon the significance and importance of the archaeological features is acceptable. The level of harm is also acceptable.

A condition is proposed to encapsulate the above issues.

**North Yorkshire Police Architectural Liaison Officer**

- 4.3 Makes detailed comment with 14 recommendations to manage issues of anti-social behaviour, crime and disorder. These include control over the use and illumination of the passageway through to the High Street and that it should be secured at both ends and securing the garden to the rear of the High Street. Controls over the use of the car park should be considered including provision of a barrier to prevent night time use. That lighting and CCTV should be installed, particularly covering the canopy area around the entrance to the store. Cycle parking should be to a 'secured by design' standard. Trolley wheel locking devices should be used to prevent them being removed from the site. Additional comment is made about construction site security

#### **Environment Agency**

- 4.4 No objections.

#### **Yorkshire Water**

- 4.5 Seek the use of sustainable drainage systems and not to direct unrestricted surface water flows to a sewer. No objection is raised to the main proposals for the foul and surface water drainage and seek amendments in respect of the southern part of the site that is shown to have unrestricted surface water flows to a Yorkshire Water maintained surface water sewer.

#### **Environmental Health Officer**

- 4.6 Comments are made in respect of the public house/restaurant and separately about the food store.

#### Public house/restaurant

- i. In addition to the residential properties identified in the report, additional residential accommodation has been identified which would look directly over the proposed beer garden. In such low noise environments any noise created in external environments from people laughing, shouting etc. will travel and effect local residents. The later into the night this occurs compared against reduced background levels, the greater the impact will be. I would recommend the hours of use of the beer garden should be restricted to 07:00 – 10.00pm Monday to Sunday;
- ii. Due to the low background levels and the close proximity of residential property I have concerns over residential impact from delivery vehicles. I would recommend that this is addressed further and a scheme submitted in writing to the local Planning authority detailing how this will be managed;
- iii. I support the noise control limits recommended in the acoustic report for fixed plant. I would recommend that once this detail has been determined, further information is submitted to and approved in writing by the Local Planning authority detailing how the recommended noise control limits will be met;
- iv. Details of refuse storage facilities including external bottle stores should be sought by condition with the details submitted to and approved in writing by the Local Planning Authority before the use commences. (Possible controls may be recommended over the hours of use if the positioning has the potential to impact on local residents); and
- v. The proposed development is in close proximity to residential dwellings. We are concerned that odours / noise caused by activities proposed may cause nuisance to the occupiers of the adjacent premises. In order to make an informed decision about the potential impact we would recommend that the applicant be required to submit a scheme giving details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person; to and agreed in writing to the Local Planning Authority. The scheme should specify the position of ventilation, fume or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be

incorporated. The extract ventilation system referred to in the condition above shall be operated and maintained in accordance with manufacturers recommendations including frequency of replacement filters, for so long as the use continues. No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning authority.

#### Food store

- i. Due to the low background levels and the close proximity of residential property I have concerns over residential impact from delivery vehicles. I would recommend that this is addressed further and a scheme submitted in writing to the Local Planning Authority detailing how this will be managed;
- ii. I support the noise control limits recommended in the acoustic report for fixed plant. I would recommend that once this detail has been determined, further information is submitted to and approved in writing by the Local Planning Authority detailing how the recommended noise control limits will be met;
- iii. Details of refuse storage facilities should be submitted for approval in writing by the Local Planning Authority before the use commences.

#### **Environmental Health Scientific Officer**

#### 4.7 Addresses issues of land contamination and air quality.

There is concern that vehicles turning left into the proposed entrance will create congestion backing onto the roundabout on Friarage Street.

Friarage Street and the roundabout leading to Brompton Road and East Road is often congested with standing traffic and this is contributing to elevated levels of nitrogen dioxide as measured by the Council along the length of Friarage Street. The bias-adjusted annual average concentrations of nitrogen dioxide along Friarage Street are close to the annual average objective as designated in Air Quality Regulations and any new development should show that it will not increase these elevated concentrations further. The developer should also show that the proposed building elevations will not create or contribute further to a 'street canyon effect' which can create further adverse impacts on air quality.

Section 109 of the National Planning Policy Framework (NPPF) supports this by stating that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. Section 110 of the NPPF continues by stating that the aim is to minimise pollution and other adverse effects on the local and natural environment.

Therefore, I would recommend that the developer carries out an air quality assessment in order to demonstrate that the development will not adversely impact on the existing air quality in the vicinity. This should be carried out and submitted for approval prior to determination.

In relation to land contamination, the developer has submitted a Phase 2 Site Investigation report which does not identify any elevated concentrations of contaminants that could pose a significant risk to the development or end user and is therefore acceptable.

The report recommends a gas monitoring investigation be carried out and the Interim Gas Report dated 25 July 2014 provides results from three out of six monitoring visits. The interim results indicate that methane has not been detected, however the remaining three monitoring visit results will be required before any recommendations for gas protection measures can be made. The developer will need to ensure this information is submitted as

soon as possible otherwise I would recommend a contaminated land condition be applied to any planning consent to secure the submission of these results.

- 4.8 Welcomes the proposed mixed use of the site and considers that despite suffering from years of intensive use it has scope for adaptation for re-use in a manner which celebrates its historic character. The proposals are broadly sympathetic to the heritage significance of the Listed Buildings and the Conservation Area. Following amendments to the scheme in response to concerns raised English Heritage are content that the proposals would result in a level of harm which is less than substantial overall and urge the LPA to consider this application in accordance of the requirements of paragraph 134 of the NPPF.

The option to retain and remodel the existing building has been explored and further justification for the preferred option has been provided. Having considered this information we consider that, on balance, the overall benefits deriving from the proposed new development as a whole could be considered to outweigh the harm to the Conservation Area resulting from the loss of 12 Friarage Street. We have taken into account the overall design aesthetics of the new M&S building, the opportunities being taken to create the ginnel and reveal glimpse views and the significant cost implications for retaining what would only be a proportion of the structure.

It should also be acknowledged that some aspects of the works proposed will have a positive impact upon significance, such as the reinstatement of the railing to the street front and replacing unsympathetic previous alterations with more appropriate features, such as the fire escape to the rear.

#### Recommendation

We do not object to the applications, however if mindful to grant consent your authority needs to be satisfied that any harm caused to the listed building and the character and appearance of the Conservation Area is outweighed by the public benefits of the scheme, as required by paragraph 134 of the NPPF.

#### Neighbour observations

- 4.9 3 letters of representation have been received relating to matters of heritage, highway network and safety and highway congestion during construction works in the absence of details to show the relationship to the buildings on the south side of Friarage Street there is a concern that the buildings may be out of scale with their surroundings.

### 5.0 OBSERVATIONS

- 5.1 The main issues in this case are set following the numbering below

1. Retail impact
2. Heritage, setting of the Conservation Area and setting of Listed Building
3. Design (design philosophy relates to heritage) and materials, street scene, form, scale, massing, detailing and function
4. Archaeology
5. Drainage and flood risk
6. Land contamination
7. Air quality
8. Ecology, landscaping
9. Pedestrian access
10. Highway (highway safety and network capacity, including off-site highway works)
11. Parking and servicing
12. Security and anti-social behaviour
13. Amenity, lighting and noise control

## 14. Energy conservation

### 5.1 Retail impact

- 5.1.1 The application is supported by a statement on retailing. This considers the location of the site and the availability of other land in Northallerton with reference to the LDF proposals map, the extent of the Town Centre area (policy DP20) and the Primary Retail Areas and Primary and Secondary Shopping Frontages (policy DP21).
- 5.1.2 The site lies within the Town Centre but outside of other designations noted above.
- 5.1.3 LDF Policies CP14 and DP20 state that in the town centre of the Principal Service Centre support will be given by encouraging uses, activities and investment that will sustain or enhance their character, attractiveness, conservation heritage, vitality and viability – and lead to the centres becoming more vibrant and economically successful. The policy also states that proposals that relate to the development of the evening and night-time economy will be supported as valuable additions to the vitality and viability of the town centres, provided that the operation of such activities can be controlled to address amenity implications. DP21 states that the shopping role of the town centres will be supported, within the Town Centre boundaries designated under Policy DP20, giving priority to development in the Primary Retail Areas defined on the Proposals Map.
- 5.1.4 The applicant has undertaken a sequential site assessment, which has shown that there are sites that are comparable - but not sequentially preferable - to the application site. Consideration is given in the Planning and Retail Statement to other sites in the town and finds that none of the identified sites are suitable and available to accommodate the development due to a range of constraints, including current availability. The statement concludes that the application is compliant with the sequential approach to site selection set out in the NPPF. An Impact Assessment has been undertaken although the proposal is below the threshold size of 2500 sq. m set in the NPPF.
- 5.1.5 The Impact Assessment records that the existing M&S Simply Food has a net sales area of 335 sq. m and the proposed store would have a net sales area of 838 sq. m. It concludes that the proposal would enhance consumer choice for local residents and reduce the need for residents to travel outside of the local area to meet their convenience shopping needs.
- 5.1.6 Overall the site is shown by the Assessment to be acceptable when subject to the sequential test, that the impact upon other retailers of convenience goods is not harmful as enhancing the range and choice of convenience goods shopping will make the town more attractive and retained expenditure in the town. The social, environmental and economic benefits of the development are shown to be sustainable and meet the tests of the NPPF. The Council has no evidence to contradict the findings so it can also be concluded that the proposal meets the tests of the LDF policies and of the NPPF.

### 5.2 Heritage

- 5.2.1 The site lies within the Northallerton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that consideration is given to the desirability of enhancement and preservation of Conservation Areas when making decisions. Similarly, paragraph 131 of the NPPF requires that, when determining this application, the Council takes account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. As well as considering the overall impact of the development on the Conservation Area, this is particularly relevant to the proposed conversion of the High Street buildings.

- 5.2.2 The proposals have evolved through a design process that has included a Heritage Impact Assessment. The Heritage Impact Assessment and design proposals have been the subject of scrutiny by the Council's Conservation Officer and extensive site inspections with officers from English Heritage.
- 5.2.3 The matters of the impact of the proposal upon the character and appearance of the Conservation Area and the impact of the proposed new buildings upon the setting of the Listed Buildings are matters that require consideration in the determination of the planning application.
- 5.2.4 The proposed uses, the impact of demolition of existing buildings and the scale of the new buildings, the way in which the intervening spaces are to be used and access arrangements to the land are all factors that would contribute to the resulting character of the Conservation Area and setting of the Listed Buildings in the event that the proposals are approved and implemented. The matters to be considered are closely aligned to the design considerations set out below.
- 5.2.5 The assessment and recommendation of matters relating to the impact upon the fabric of the Listed Building are fully considered in the accompanying Listed Building Consent application report and are not repeated here.

### **Demolition**

- 5.2.6 The buildings that are proposed to be demolished are of varying quality. The modern extensions to the Ruston Hospital and the caretaker's house are not of importance to the heritage asset and the removal of these buildings would have a beneficial impact upon the appearance of the Conservation Area.
- 5.2.7 The demolition of 12 Friarage Street, a two storey brick and slate building, has been the subject of additional study. A report considering the potential to reuse this building, reviewing the physical limitations and structural difficulties of tying the existing building to a new structure, estimating the financial costs of retaining the building and altering it to enable the proposed food store to be accessed through the building has been prepared. The NPPF requires that Councils consider:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 5.2.8 It is considered that the demolition of 12 Friarage Street would cause harm to the Northallerton Conservation Area but that harm would be less than substantial and the public benefit from other aspects of the development, as described in this application, outweighs the harm caused by the demolition.
- 5.2.9 This balanced judgement is supported by English Heritage.

### **New Building**

- 5.2.10 The impact of the new building at the rear of 78-79 High Street upon the setting of the Listed Buildings is considered in the context of the scale of the surrounding buildings and the historic (burgage plot) arrangement of the area to the east of the High Street.
- 5.2.11 The height of the new building is set at a level that is close to the level of the High Street buildings. The building is laid out to follow the alignment of the burgage plot. The reinforcement of the traditional plot widths by the use of a roof form that reflects the width of the plots (albeit with a degree of conjecture as the pattern has been substantially eroded in earlier phases of building) and that uses varying ridge height to further reinforce the pattern

shows a respect for the setting and character of the site and the wider context of the market town.

- 5.2.12 The use of the buildings for many years has been as a hospital, though some parts of the site have been inaccessible to the public in recent years. A small garden area, immediately to the rear of 78-79 High Street is proposed to become accessible to the public as a garden to the public house/restaurant and accessible to the customers of the food store. The creation of routes of access to be able to see parts of the site's heritage interest is supported by the policy of Government and the LDF.
- 5.2.13 The scale, height, and position of the new building is such that it would have an impact upon the setting of the listed buildings. However, the scale would not dwarf the Listed Building; the height would be a continuation of the scale of the existing buildings and would not harm the experience of the heritage asset. The position of the new buildings would not dominate the existing buildings and space to move between the new and old buildings via the permissive path would remain.
- 5.2.14 Overall it is considered that the heritage impact of the proposed works would result in a public benefit. Reaching this conclusion also takes into account the benefits of re-using the Listed Building and restoration of features internally to the building and externally such as the railings on the High Street and the external wall at the rear that includes a niche that is considered to be of heritage importance.

### **5.3 Design**

- 5.3.1 The design statement refers to the evolution of the proposals through assessment of the needs of the proposed occupiers of the building; the financial demands for the development to be viable; and the heritage assessment of the site. The preceding section has considered the heritage impacts of the proposal and found them to result in a net benefit. The design of the building also has other impacts that are less relevant to the heritage value of the site but how it will be viewed and operate on a technical level to meet the needs of the public house/restaurant and food store operations.
- 5.3.2 The scheme underwent a Design Review process in 2012/13 that emphasised the importance of improving pedestrian access to the site from the High Street and dealing with the constraint imposed by traffic on Friarage Street. The need to bring delivery vehicles on to the site to service the food store was also a major constraint on the design.
- 5.3.3 The containment of plant and equipment, loading and storage has resulted in the design that has been submitted. The detailing to achieve passive ventilation, such as hit and miss brickwork on areas of walling and projecting brickwork to create interest on the eastern gables, are techniques that have been found to be award winning elsewhere but are new to Northallerton.
- 5.3.4 The public green space on Friarage Street is backed by a modern wall, (though it looks old) and the scheme proposes to perpetuate this detail by use of brick walling on the southern side behind the trees and shrubs.
- 5.3.5 The scale of the proposed walling to Friarage Street, Brompton Road and to the neighbouring properties within the site is compatible with the existing structures.
- 5.3.6 Overall the resulting proposals are appropriate to the setting and comply with the design requirements of the LDF Policies CP17, DP32 and the Northallerton Conservation Area Appraisal SPD (SPD). The SPD includes the land at the Rutson Hospital within analysis area 5 and identifies that the site is a "Potential Area for Improvement". The SPD does not prescribe how improvement should be undertaken but gives examples of detailed design measures that have been incorporated in to the proposals.

## **5.4 Archaeology**

- 5.4.1 Archaeological investigations were undertaken prior to the submission of this application. A desktop analysis has been followed up by trial trenching. The assessment of the reports has been undertaken and final comment from the NYCC Archaeology unit is awaited.
- 5.4.2 On the information available the conclusion is reached that, subject to conditions to record the findings of excavation works, the scheme meets the requirements of the LDF and the NPPF.

## **5.5 Drainage and flood risk**

- 5.5.1 The site is within Flood Zone 2. A Flood Risk Assessment (FRA) has been prepared for the scheme. This concludes that site is at low risk of flooding from rivers, overland flow, groundwater and sewers.
- 5.5.2 The FRA advises that there will be a small increase in surface water run-off and that can be attenuated before being discharged to ground via infiltration. The FRA recommends that the building be set at a floor level 0.6 – 0.8 m above road level on Friarage Street and to match the ground levels at the rear of the High Street buildings.
- 5.5.3 A drainage layout shows a 105 cubic metre attenuation tank with permeable base to allow infiltration to ground below the aisle of the car park.
- 5.5.4 The drainage scheme designed for the site seeks to use a system reliant on sewers to dispose of foul sewage. The surface water drainage is mainly via the attenuation and soakaway. As reported above Yorkshire Water advises that the drainage for the part of the building that is to replace 12 Friarage Street, as an unrestricted discharge to a Yorkshire Water sewer is unacceptable. Details to address the concern have been requested and can be dealt with by planning condition if permission is granted.
- 5.5.5 Planning conditions can be imposed to require the submission for approval of a scheme for the drainage of the site and for subsequent compliance with the approved scheme. Such an approach is consistent with LDF policies CP21 and DP43 and the NPPF.

## **5.6 Land contamination**

- 5.6.1 A study has been undertaken into the conditions of the site. Whilst additional information has been sought from the Council's Scientific Officer the site does not appear to have levels of contamination that would prevent redevelopment of the site. The imposition of conditions to require the protection of the environment, construction workers and subsequent occupiers/users is an appropriate response compliant with LDF Policies CP21 and DP42

## **5.7 Air quality**

- 5.7.1 The high levels of road traffic and proximity of buildings on Friarage Street have the potential for poor air quality on Friarage Street. Advice from the Council's Scientific Officer as noted at paragraph 4.7 has advised the applicants that a study should be undertaken to demonstrate how, through design measures, the issue of air quality is to be addressed.
- 5.7.2 LDF Policies CP1 and DP1 seek to protect the population from pollution. It is anticipated that the development proposals with any necessary amendments required by the findings of the assessment will not lead to a significant increased level of pollutions. Subject to any necessary design amendments the scheme would meet the requirements of the LDF and NPPF.



## **5.8 Ecology and landscaping**

- 5.8.1 The site contains buildings and gardens. Although there is only limited scope for the site to support wildlife, a range of 'garden' wildlife species may be found but no part of the site appears to have important wildlife habitat. The design proposals seek to make greater use of the garden area to the rear of 78-79 High Street for use by the public house/restaurant. The proposals also develop the land currently occupied by the garden between the modern rear wing of the hospital and the caretakers dwelling. Having noted the limited scope for wildlife habitat within the site it is considered that the development would not result in significant harm to wildlife.
- 5.8.2 There is scope to incorporate planting within the new garden to support a range of 'garden' species.

## **5.9 Pedestrian access**

- 5.9.1 The proposals include 3 pedestrian access routes. The retained main entrance doors to the Rutson Hospital would be a main entrance to the public house/restaurant. No modification is proposed or considered to be necessary or appropriate to the pedestrian access from the High Street to 78-79.
- 5.9.2 A new access to the public house/restaurant is proposed to be taken from the yard to the north of the rearmost part of the building. This would be likely to increase the number of pedestrians using the narrow and low passage between the High Street and the rear of the site and also an increase in pedestrians from Brompton Road.
- 5.9.3 A major new access is proposed to the new food store from Friarage Street and would give access to the courtyard garden at the rear of 78-79 High Street. This is shown to be in the position of the existing 12 Friarage Street building that is proposed to be taken down and a new building formed to give access to the food store and courtyard. The new access is shown to be flanked by 3 cycle racks.
- 5.9.4 To achieve an improved access for pedestrians walking to and from the southern part of the High Street changes are proposed to the zebra crossing on Friarage Street, described in the next section.
- 5.9.5 The accesses are considered suitable for pedestrian links to the High Street and are not dependent upon the use of the car. The scheme is considered to be in accordance with the objectives of LDF Policies CP1, CP2, DP3 and DP4.

## **5.10 Highway issues**

- 5.10.1 The scheme includes proposals to improve the site's accessibility to pedestrians by widening of the zebra crossing on Friarage Street. Consideration was given through the design process to repositioning the pedestrian crossing further east but that would interrupt the desire line for pedestrians travelling north-south along the east side of the High Street. There are pinch points at the corner of High Street on the south and south sides of Friarage Street. Any repositioning of the pedestrian crossing would impact upon the number of pedestrians needing to negotiate these pinch points. The resulting design solution is to widen the zebra crossing to give the pedestrian a higher priority in the street, maintaining the crossing on the 'desire line' along the High Street, whilst working within the limitations imposed by the buildings and road width and the need to accommodate large vehicles using Friarage Street.
- 5.10.2 The pedestrian access is set 8.5 metres back from Friarage Street to allow space and avoid conflict between shoppers and traffic.

- 5.10.3 Realignment of the Friarage Street/Brompton Road roundabout is proposed to improve the safety of the junction. This includes moving the roundabout centre point to the south east and realigning the kerb line to guide traffic to guide vehicles in to the appropriate position for safe operation.
- 5.10.4 Traffic modelling and traffic counts have shown that Friarage Street carries heavy loads of traffic. Consideration was given in the design process to increasing the capacity of the highway network but the need to demolish heritage assets and increasing road widths that would harm the character of the Conservation Area made such proposals untenable.
- 5.10.5 The scheme is subject to a requirement for a contribution toward the provision of the North Northallerton Link Road. This and the appropriate sum is the subject of discussion with the applicant.

## **5.11 Parking and servicing**

- 5.11.1 Whilst the Ruston Hospital buildings are disused the site is used for parking of cars during the day. The number of vehicles is in the order of 40. The proposals show the provision of 36 spaces for cars of which 3 are identified specifically for disabled drivers and 2 for those with children. The layout shows 2 car-sized bays to be used for trolley storage. A note on the drawing and in the supporting text notes that if the number of trolley bays were to increase 3 then a car parking space would be lost and a further approval would need to be sought.
- 5.11.2 "Variable message" signage is proposed to be located on the Brompton Road frontage to advise whether the car park is full to avoid abortive manoeuvres into the site. The sign would be above car height and be visible to drivers approaching from both north and south. The Travel Plan sets out the arrangements for the management of the car park.
- 5.11.3 Servicing of the food store is proposed to be taken from Brompton Road, from either direction. Service vehicles are shown to pull in to the site in a forward gear, then reverse in to the unloading bay which is shown to be in an enclosed space. The vehicle would then leave in a forward gear on to Brompton Road. The manoeuvring space within the site is shown to be kept clear at all times. It would not be jointly used for parking.
- 5.11.4 No dedicated parking spaces are shown for the public house/restaurant. The servicing of the public house/restaurant is shown to be achieved by parking of a dray wagon and supply vehicles on the High Street frontage between the parking bays and the channel line of the High Street. Barrels and bottles would then be taken through the passage to the store and kitchens.
- 5.11.5 The Highway Authority has advised that, subject to conditions, the scheme is acceptable as it will not harm the operation of the highway network or highway safety and is therefore in accordance with the policy of the NPPF and LDF policies CP1, CP2, DP3 and DP4.

## **5.12 Security and anti-social behaviour**

- 5.12.1 The potential for security breaches and anti-social behaviour are significant factors in proposals for retail and public house proposals. The design for the scheme has evolved following input from the Architectural Liaison Officer for North Yorkshire Police. The design changes have related to controlling means of access, lighting and surveillance. The agent for the applicant has acknowledged that the anti-social behaviour and security provisions are important to prospective occupiers too.

## **5.13 Amenity, lighting and noise control**

- 5.13.1 The use of the public house, changed arrangements for pedestrian and vehicular access to, and the servicing of, the proposed public house/restaurant and food store have the potential to impact upon the amenity of the residents and convenience of users of the neighbouring property. There are few residential properties within the vicinity of the site and some of those are already exposed to night time noise from other licenced premises and the night time economy and vehicle movements associated with town centre uses.
- 5.13.2 The use of planning conditions to control the type and design of equipment that could cause noise, such as cooling and ventilation equipment, can be imposed. This applies to both the public house/restaurant, which has the potential for catering equipment that may result in odours as well as noise, and also the cooling and baking that may occur within a food store. A condition relating to the maximum number of covers within the restaurant is appropriate to correspond with the capacity of the installed equipment.
- 5.13.3 The licencing function of the Council is able to respond to issues relating to the operation of late night catering or drinking establishments and these need not be considered further in the context of this application.
- 5.13.4 Lighting around the buildings for security and for customers can be controlled by condition to avoid light pollution.
- 5.13.5 The use of the outdoor space at the rear of 78-79 High Street, the smoking shelter noise and the outdoor dining area/beer garden have potential to cause disturbance to neighbours but as noted there are few residential neighbours. It is considered that the safeguards of the licencing system are sufficient to avoid significant harm to the amenity of neighbours that would result in a conflict with the LDF policies of CP1 and DP1.
- 5.13.6 The use of the outdoor space between the public house/restaurant and the food store and around buildings, particularly the use of the beer garden and car parking area, can give rise to concerns in the event of unregulated use. The beer garden is within a space bounded by buildings and gates and is capable of close supervision by the operators. Controlling the use of the car parking area is less straightforward; however a condition relating to the operation of the servicing could be extended to cover the operation of the car park.
- 5.13.7 Overall the scheme is considered to be capable of meeting the requirements of LDF policies CP1 and DP1 by the use of conditions to control lighting, ventilation and extraction and management of the service yard, beer garden and pedestrian access routes.

#### **5.14 Energy conservation**

- 5.14.1 The scheme is of a size to require the imposition of a requirement under policy DP34 to improve energy efficiency and promote energy generation from renewable resources. The use of a planning condition to require measures to be designed in to the new buildings is appropriate to meet or exceed the requirement of LDF Policies CP18 and DP34

#### **5.15 Other considerations**

- 5.15.1 Community facilities such as hospitals are protected by LDF Policies CP3 and DP5. The use of the Rutson Hospital as a hospital has ceased and alternative provision has been made elsewhere in the NHS estate. Whilst there have been representations made that the community will suffer any adverse impacts as a consequence of the loss of the use of the land for the purposes of a hospital, the policies' requirements are considered to have been met.

#### **5.16 Conclusions**

5.16.1 The scheme overall provides for a mixed use development within the centre of the town centre, where there are other shops and leisure uses within walking distance as are a large number of dwellings. Public transport is available as are public car parks to encourage linked trips, and a car park is proposed to provide choice for customers. The servicing arrangements are considered to provide sustainable means of supplying the public house/restaurant and food store.

5.16.2 The scheme respects the character and appearance of the Listed Buildings and Conservation Area and would not harm the setting of either. It would enhance the retailing offer available within the town, although the relocation of Marks & Spencer from the High Street would have some impact, and not result in harm to other interests. Balancing the three strands of sustainability, economic, social and environmental, the scheme is considered to be a sustainable form of development.

5.16.3 Subject of receipt of details relating to the following matters it is considered that the application can be recommended for approval.

5.16.4 Details are awaited in respect of:

- Surface water drainage of the southern part of the site by means other than unrestricted flows to the surface water sewer; and
- Additional gas monitoring of boreholes on the site.

## **6.0 RECOMMENDATION**

6.1 That subject to any outstanding consultations and the conclusion of discussion regarding a contribution toward the funding of the North Northallerton Link Road, planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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. 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.
4. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

5. The development shall not be commenced until details relating to walls, fences and other means of enclosure on the boundary or within the application site have been submitted to and approved in writing by the Local Planning Authority.
6. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
7. All the physical systems of site lighting, surveillance systems, boundary features and other security measures that have been incorporated in to the design and management arrangements to achieve 'Secured by Design' principles 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.
8. The food store shall not trade unless a delivery management plan and service yard management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter deliveries to the food store shall be undertaken in accordance with the approved delivery management plan and service yard management plan. The initial delivery management plan and service yard management plan may be amended by the submission and approval of a revised written delivery management plan and service yard management plan.
9. The public house/restaurant shall not trade unless a delivery management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter deliveries to the public house/restaurant shall be undertaken in accordance with the approved delivery management plan. The initial delivery management plan may be amended by the submission and approval of a revised written delivery management plan.
10. The extent of the mezzanine within the food store shall not exceed that shown on drawing number ##. The net retail sales area shall not exceed 838 sqm.
11. The food store car park shall not be made available until a variable message sign has been brought in to use in accordance with the details shown on ### plan and in accordance with the statement from ### dated ###
12. Air quality measures may be required to reduce the impact on air quality on Friarage Street and any measures will be required to be implemented.##
13. No cooking shall take place within the premises unless a ventilation and extraction system has been installed in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the ventilation and extraction system shall be operated and maintained in accordance with the approved scheme.
14. No customers shall be admitted to the foodstore premises outside the hours of 08.00 – 22.00 on Monday to Saturday and Bank Holidays, and 10.00 – 18.00 on Sunday.
15. No customers shall be admitted to the public house/restaurant premises outside the hours of 07.00 – 01.30.

16. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
17. No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside the building, the construction of which is hereby permitted.
18. 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.
19. 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 18 above.
20. (A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- (C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
21. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
22. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered \*\*\*\* received by Hambleton District Council on \*\*\*\* unless otherwise approved in writing by the Local Planning Authority.
23. There shall be no access or egress between the highway and the application site by any construction vehicles other than via the existing access with the public highway at Brompton Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

24. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (a) alteration to the site access; (b) amended white lining on Brompton Road at the site access; (c) amendments to the Friarage Street Brompton Road Roundabout to provide enhanced pedestrian facilities as indicated on drawing number 3073/SK002/001; (d) amendments to Friarage Street to optimise available road space for pedestrians and vehicles, including widening footways and the 'zebra' crossing as indicated on drawing number 3073/SK002/001; (e). the installation of a variable Message sign, outside the public highway, to inform motorists of the availability of spaces in the car par. The sign shall be located such that it is visible to vehicles accessing the site from the north and south.
  - (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
  - (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
25. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number: 25 above:
- a. alteration to the site access
  - b. amended white lining on Brompton Road at the site access
  - c. amendments to the Friarage Street Brompton Road Roundabout to provide enhanced pedestrian facilities as indicated on drawing number 3073/SK002/001
  - d. amendments to Friarage Street to optimise available road space for pedestrians and vehicles, including widening footways and the 'zebra' crossing as indicated on drawing number 3073/SK002/001
  - e. the installation of a variable Message sign, outside the public highway, to inform motorists of the availability of spaces in the car par. The sign shall be located such that it is visible to vehicles accessing the site from the north and south.
26. 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 3073/SK002/001). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times and actively managed to ensure parking is available for customers
27. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.
28. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- (i) The appointment of a travel co-ordinator;

- (ii) A partnership approach to influence travel behaviour;
- (iii) Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- (iv) Provision of up-to-date details of public transport services;
- (v) Continual appraisal of travel patterns and measures provided through the travel plan;
- (vi) Improved safety for vulnerable road users;
- (vii) A reduction in all vehicle trips and mileage;
- (viii) A programme for the implementation of such measures and any proposed physical works; and
- (ix) Procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

29. Prior to the development being brought into use, Delivery Management Plans for the foodstore and the public house shall have been submitted to and approved in writing by the Local Planning Authority. The Delivery Management Plans shall include:
- a. the scheduled timing of all deliveries;
  - b. the routing of all delivery vehicles to the site;
  - c. measures to safely manage manoeuvring of delivery vehicles;
  - d. measures for managing handling deliveries from the vehicle; and
  - e. measures to ensure peak network hours in Northallerton are avoided

The operation of Deliveries to the development shall thereafter be in accordance with the Delivery Management Plan approved as required by this condition.

30. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for the following:
- a. the parking of vehicles of site operatives and visitors;
  - b. loading and unloading of plant and materials;
  - c. storage of plant and materials used in constructing the development;
  - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;
  - e. measures to prevent mud on the highway including if required wheel washing facilities;
  - f. measures to control the emission of dust and dirt during construction;
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h. a timed programme for construction deliveries that do not interfere with peak hour traffic.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.



3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy ##.
4. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. 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
8. To ensure that the deliveries to the food store do not result in an unacceptable loss of amenity to neighbours or loss of highway safety in accordance with the LDF Policies CP1, DP1, CP2, DP3 and DP4.
9. To ensure that the deliveries to the public house/restaurant do not result in an unacceptable loss of amenity to neighbours or loss of highway safety in accordance with the LDF Policies CP1, DP1, CP2, DP3 and DP4.
10. In order that the LPA can control the extent of the retail floor space available within the premises.
11. To ensure that the use of the car park does not result in an unavoidable loss of amenity to neighbours or loss of highway safety in accordance with the LDF Policies CP1, DP1, CP2, DP3 and DP4.
12. Air quality measures in accordance with the LDF policy CP1.
13. To safeguard the amenity of neighbours in accordance with LDF Policies CP1 and DP1.
14. To safeguard the amenity of neighbours in accordance with LDF Policies CP1 and DP1.
15. To safeguard the amenity of neighbours in accordance with LDF Policies CP1 and DP1.
16. In order to protect the amenities of residential property in the locality.
17. To ensure that the retailing of goods is confined to the building hereby permitted to preserve the appearance of the building and the visual amenities of the locality.
18. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
19. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
20. In order to safeguard the heritage asset in accordance with LDF Policy CP16 and DP28 and DP29 and in accordance with section 12 of the NPPF.

21. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
22. 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 ##.
23. In accordance with policy CP1, CP2, DP3 and DP4 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
24. In accordance with policy CP1, CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
25. In accordance with policy CP1, CP2, DP3 and DP4 and in the interests of the safety and convenience of highway users.
26. In accordance with policy CP1, CP2, DP3 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
27. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of highway safety and visual amenity.
28. In accordance with Policy CP1, CP2, DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
29. In accordance with policy CP1, CP2, DP3 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
30. In accordance with policy CP1, CP2, DP3 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

**Parish: Northallerton**  
Ward: Northallerton North  
**7**

Committee Date: 13 November 2014  
Officer dealing: Mr T J Wood  
Target Date: 26 September 2014

**14/01627/LBC**

**Listed Building Consent for the demolition of a hospital ward, office and residential buildings and erection of a (Class A1) food store, and change of use of nos. 78 and 79 High Street from hospital (Class C2) to pub/restaurant (Class A4) and erection of glazed extension to the rear, along with associated access arrangements, car parking and landscaping works.**

**at Rutson Hospital High Street Northallerton North Yorkshire  
for Jomast Developments Ltd and Marks and Spencer Plc.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application proposes alterations and extension to the Grade II listed building to form a public house. It is part of a wider scheme to redevelop the former Rutson Hospital site described in a separate report on planning application 14/01626/FUL also on this agenda.
- 1.2 The listed building includes numbers 78 and 79 High Street, which are also historically referred to as Vine House due to the presence of a large vine which once covered much of the façade. The buildings date to the 18<sup>th</sup> century, however are likely to have replaced much earlier buildings and are positioned to the edge of pavement with long burgage plots to the rear. Northallerton's historic street pattern is laid out upon this medieval burgage plot system, which is particularly significant in forming the character of the Conservation Area and the setting of its listed buildings.
- 1.3 The listed buildings retain many features of importance; however some of these have suffered from insensitive alterations over recent years. The Dundas Wing to the rear is of 20<sup>th</sup> century date and covers much of the site. A further extension was added in 1998 which encloses a rear garden to the back of Vine House. Within this garden is an historic garden wall with built-in arched niche.
- 1.4 To the front elevation this proposal does not make any significant alterations to the appearance of the building. Existing timber sash windows are to be retained and restored, the roof coverings would be retained, chimneys would be repaired where necessary and brickwork would be repointed where required. There are no new openings proposed and the existing door would be utilised. A footway leads through an alleyway to the west of the building which will form the delivery access to the cellar which is to be positioned in a new build section at the rear and would also be a means of access for customers. To the front is a low stone wall with evidence of former railings which it is proposed to reinstate.
- 1.5 To the rear it is proposed to remove the 20<sup>th</sup> century section of the Dundas Wing and a 20<sup>th</sup> century single storey addition. To the rear elevation of 79 High Street the appearance would remain much the same, however the existing fire escape is to be removed and the doorway reinstated as a window. Other windows are to be retained in situ.
- 1.6 A new glazed addition is proposed to enable circulation space from the rear of No 79 to the bar area housed in the new build section at the rear, also allowing access to a beer garden.
- 1.7 The rear extension would be 15 metres in depth from the wall of 79, with a ridge lower than that of the frontage buildings and extending to the east in the same way as the current Dundas Wing. The cellar has a flat roof upon which cooling equipment would be located.

- 1.8 A main entrance to the building would be from the High Street, utilising the original entrance to No 79, leading into a lobby area (Room 1) where a glass screen incorporating double doors would be positioned. The purpose of these doors is to provide draught exclusion when the front door is open during opening hours. The entrance hall retains many features of significance including good quality 18<sup>th</sup> century plasterwork, an elaborate pediment above the front door, internal doors with panelling and wide architraves, there are niches within the walls where artwork would have sat and dentilled cornicing to the ceiling. It is also proposed to glaze two panels of the door to the north side of the lobby to allow views into the building on entry.
- 1.9 A partition wall is proposed for removal within Room 2 and a doorway removed to allow access to the beer garden. Partitions would also be removed from Rooms 7, 8 and 10 which are all modern insertions. From Room 10 a new access would be formed into the cellar housed in a new build extension on the ground floor.
- 1.10 The stair hall (Room 4) has a dog leg staircase with a landing leading to an intermediate floor. The staircase is designed for display with ornate balusters and curved banister. The application does not propose alteration to the staircase and also retains a linen cupboard at the foot of the stair. In order to deal with fire regulations it is proposed to create a frameless fire resistant glazed door which will fit largely beneath the stairs above.
- 1.11 Room 3 is to remain as existing, the only change being the incorporation of some glazing into one of the reveals as described for Room 1.
- 1.12 To the first floor, fire and Disability Discrimination Act regulations state that a screen must be provided to enclose the open balusters (Room F1). This is to be achieved using clear fire safety glass.
- 1.13 The first floor rooms are proposed to house toilet facilities as well as a potential meeting room and a staff room.

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

- 2.1 None

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Development Policy DP28 - Conservation  
 Development Policy DP29 - Archaeology  
 Conservation Area Appraisal Northallerton Supplementary Planning Document - adopted 21 December 2010  
 National Planning Policy Framework  
 National Planning Practice Guidance

## **4.0 CONSULTATIONS**

### **Northallerton Town Council**

- 4.1 Wish to support the proposal.

### **English Heritage**

- 4.2 Provided initial advice during a site visit in August 2014 and via a follow up email. We highlighted a number of issues for further discussion which have been addressed in a bespoke Heritage Impact Assessment dated October 2014 and amended plans which we received on the 22<sup>nd</sup> October 2014.

### Significance

Rutson Hospital is a very interesting building complex which has had a variety of uses in the past and despite suffering from years of intensive use, offers tremendous scope for further adaptive re-use in a manner which celebrates its historic character. We agree that the Heritage Statement (pages 32-35) which identifies that the historic interiors in some of the rooms are of more than special interest at national level.

### Impact

English Heritage welcomes the proposed mixed use of the site. The proposals are broadly sympathetic to the heritage significance of the Listed Buildings and the Conservation Area. Back in August we raised a number of concerns regarding harmful works that had not been justified. Further information has been provided and the plans have been amended as a result of our discussions.

### Policy

On the basis of this we are now content that the proposals would result in a level of harm which is less than substantial overall and therefore we urge you to consider this application in accordance of the requirements of paragraph 134 of the NPPF. It should also be acknowledged that some aspects of the works proposed will have a positive impact upon significance, such as the reinstatement of the railing to the street front and replacing unsympathetic previous alterations with more appropriate features, such as the fire escape to the rear.

### Listed Building works

Items where our concerns have been addressed:

#### Ground floor

- Draught lobby to main entrance - we accept that this will be scribed around the existing plasterwork so there will be no damage to historic fabric; and
- Fire separation to main stairwell - the design of this feature has been modified so that it is smaller in scale and self-contained.

#### First Floor

- Rooms F4 and F5 (Piano Nobile principal reception room and bedroom or principal guest room). Further assessment of alternative locations has been undertaken and an explanation why they are not possible has been provided. The layout has been revised to a more sympathetic solution which will allow the symmetry of the room and views off windows on both sides to be appreciated; and
- Rooms F14 and F15 (Bedroom and WC). F15 is now to be used as an office, avoiding the previously proposed harmful subdivision.

#### New building in the Conservation Area Friarage Street frontage

The new pedestrian entrance in this location is welcomed, along with the access through to the courtyard.

12 Friarage Street makes a positive contribution to the character and appearance of the Conservation Area as it shares many characteristics in terms of materials and features with surrounding buildings across the road and has some visual interest in the streetscape by virtue of its form, traditional fenestration on the upper floor, chimneys, roof pitch etc. The option to retain and remodel the existing building has been explored and further justification for the preferred option has been provided. Having considered this information we consider that, on balance, the overall benefits deriving from the proposed new development as a whole could be considered to outweigh the harm to the Conservation Area resulting from the loss of 12 Friarage Street. We have taken into account the overall design aesthetics of the new M&S building, the opportunities being taken to create the ginnel and reveal glimpse views and the significant cost implications for retaining what would only be a proportion of the structure.

### Recommendation

We do not object to the applications, however if mindful to grant consent your authority needs to be satisfied that any harm caused to the listed building and the character and appearance of the Conservation Area is outweighed by the public benefits of the scheme, as required by paragraph 134 of the NPPF.

4.3 Neighbour responses to notification, site notice and press notice – two responses have been received. These comment that:

- The building will have been extensively modified and that the listing of the building should look objectively at the reasons why they are listed;
- The High Street frontage buildings contain high quality 18th century joinery on both floors. The licensing authorities seem to insist on the need for open area surveillance of bars, which would result in the loss of many of the surviving internal walls and their associated joinery. I feel that a bar or public house may not be an appropriate use because of the loss of historic and architectural special interest that may result; and
- The heritage statement goes into a great deal of repetitive detail, yet does not deal with the roof of 76-78 High Street, the lower range of buildings. The roof *may* offer dateable evidence for the construction of this range, and it is regrettable that the roofs are not discussed. It is unclear why a photograph of the long demolished doorway in Brompton Road is included; this is clearly too recent to be anything to do with the medieval Friary. I am pleased to see that the 18th century brick boundary wall and its associated niche on the west edge of the site are to be retained within the scheme.

## **5.0 OBSERVATIONS**

5.1 The planning issues to take into account when considering this application relate to the impact of the proposed works on the character and appearance of the listed building and their impact upon its significance as a designated heritage asset. Wider planning considerations relating to the development are considered in the separate report on application 14/01626/FUL. The following observations are made room by room, those prefixed F are first floor rooms.

### **Room 1 (Front Lobby)**

5.2 The architectural features within the entrance hall are of considerable importance to this historic building. This was the main entrance to a high status building, which was used as a courthouse during the early 18<sup>th</sup> century, as a dwelling from 1789 and cottage hospital from 1877. The proposed glazed screen and doors have been designed to have minimal impact on the character of this space; allowing views throughout the entrance hall and drawings have been supplied illustrating the proposals; however it is also acknowledged that a

condition giving approval for exploratory work and subsequent approval for the detail may be appropriate. The glazing is proposed to be shaped around cornicing to allow features to be retained in situ with little impact. Further glazing is proposed within two (blocked) doors, one to Room 2 and one to Room 3, right and left of the lobby, which would allow views into the lounge areas. Earlier plans sought to remove the doors and replace with full height glazing; however this glazing proposal results in a minimal loss to historic fabric, enabling the original form to be interpreted. Also within this space are several commemorative plaques which are to be retained within the building

### **Room 2**

- 5.3 This is a main reception room to the right of the entrance lobby which originally extended from the front of the house overlooking the High Street to the rear overlooking the garden. A modern partition wall divides the room, creating a narrow hallway. The proposed scheme removes the modern partition and reinstates the Georgian proportions. Much of the decorative detailing of this room survives on both sides of the partition and the missing sections will be reinstated to match. To the garden elevation are Georgian 6 over 6 pane sash window with integral shutters. To the street elevation are 2 over 2 Victorian replacements. All windows are to be retained and restored.

### **Room 3**

- 5.4 This room is located within 78 High Street to the left of the entrance lobby and is of very high status. The Georgian layout and decoration relates to No.79 and suggests that the two buildings were redesigned internally in the 18<sup>th</sup> century and have operated as one building since that time. The fireplace to Room 3 survives and is quite simple with dentilled cornicing and a marble surround. There are Delft tiles here, which are all but one are broken. Details of how the surround is to be treated are being sought. All internal features are to be retained and restored within this room.

### **Room 4 (Stair Hall)**

- 5.5 This room has suffered from inappropriate additions and damage. The fire screen at first floor level is a harmful addition which is to be removed. Damage to plasterwork and architraves is to be repaired. The proposed new fire screen in this location has been designed to fit neatly beneath the stairs so that views of the balusters are not obscured. This addition is necessary in order to meet fire regulations and therefore a sensitive approach has been devised. An additional handrail is required to the staircase to comply with the requirements of the Disability Discrimination Act and for the assistance and safety of all users. The changes considered against the wording of the NPPF will result in less than substantial harm and will provide public benefits through the fire safety and accessibility measures.

### **Rooms 5 and 5a**

- 5.6 The single storey extension to the rear of 78-79 High Street is of 19<sup>th</sup> century construction however much of its internal character is of 1930s style. This addition does not make a particularly strong contribution to the overall significance of the Georgian buildings and its removal would not harm the special interest of the principal listed buildings. The doorway leading from No.79 is to be retained in the proposed scheme to gain access to the garden.

### **Room 6**

- 5.7 This room has few features of significance. The coving is to be retained and the door removed. Whilst the door is of some architectural merit, it is of a much lower value than those within the proximity of the Stair Hall.

## **Rooms 7 (Former Post Office) and 8**

- 5.8 This room is a former entrance hallway to the building from the High Street. A door is evident on an historic photograph and was used as an entrance into the post office in the mid-19<sup>th</sup> century until 1876. The doorway remained in use until at least the 1950 when it was removed and the space utilised as a WC. This room marks the original end of this building as room 8 is a later addition, set on a slightly different angle. The removal of modern partitions here would improve the character and appearance of this space. Within this scheme, Room 7 cannot function as a small space in its current form and there is no requirement for reinstatement of the additional door. Therefore the proposal is to remove sections of wall to either side of the chimney breast and to combine rooms 7 and 8. It is considered that the rooms would retain their historic significance through interpretation of their original form. This is reinforced by the retention of the chimney breast.

## **Rooms 9 and 10**

- 5.9 Room 9 retains its original proportions however it has been modernised and features 1930s steel framed windows. There are no features here of historic significance and widening the doorway in the hall and creating an opening in to Room 8 would not cause harm.
- 5.10 Room 10 has a partition which is proposed to be removed; other subdivision is proposed to provide space as part of the cellar. The changes would not harm historic fabric of this room. The windows are modern additions and the bay form is not traditional. The removal of the window would not cause harm. The only feature of significance is some evidence of a former corner fireplace, which would mirror that in the room above. The fireplace is not shown to be retained at ground floor level and is shown to be concealed at first floor.

## **Room 11**

- 5.11 This is the corridor to the Dundas Wing, much of which is located within the original Georgian building. The point at which the Georgian gives way to the late Victorian is marked by a 1m thick wall with a marked kink in the corner of the wall. However, during 'opening up' works in Summer 2014 no evidence of an earlier wall was found. It will be important during progression of works that this area be recorded for further evidence of the building's historic development. Externally there is evidence of a cobble plinth which suggests an earlier date for this section. This space would be retained, however a larger opening would be formed where the building enters to the new build section. A condition to require monitoring and recording of the work is appropriate to safeguard the heritage asset.

## **Room F1**

- 5.12 This is the first floor at the top of the staircase, which shows evidence of how 78 and 79 were adjoined to form one property in the mid-18<sup>th</sup> century and the staircase was inserted at that time. The rooms which lead directly off the stair corridor are furnished with Georgian doors set into architraves with generous roll mouldings, suggesting a high status to this first floor often referred to as the Piano Nobile. A modern fire screen has been inserted here and significantly detracts from the character and appearance of the staircase and high status of this space. The proposal removes this screen and inserts a new screen from floor level to just above the handrail. The positioning of the screen would not harm the structure of the staircase and will enable the balusters and handrail to remain prominent within this space. The removal of the modern screen which currently extends to ceiling height would be a positive improvement.

## **Room F2**



- 5.13 This room currently has a modern partition which appears to date from the 1930s. It is proposed to restore the room to its original proportions, which would improve the character of the room. There are no internal features here of significance to be affected.

### **Room F3**

- 5.14 This room at the top of the staircase is of particular significance and features a Georgian door set within a Georgian architrave. The walls are covered with heavily moulded panels. The fireplace has been removed however the panelling around it remains. It is thought that this room would have originally been a principal bedroom and the small room to the north may have been its dressing room. Within the wall of the dressing room is a blocked opening which may have been a former window prior to the construction of the adjacent property. It may also be a blocked doorway and during construction works it will be important for recording work to be undertaken to enable a full understanding of this feature. A condition should be attached to an approval to ensure this work is included.

### **Rooms F4 and F5**

- 5.15 Room F4 is a small room with an oriel window which provides much interest to the character of the street scene. It also plays a role in the creation of character within the room and reflects the high status of the piano nobile. There is also ornate Georgian plasterwork within the room, cornicing and a fireplace with mirror above set between fluted pilasters. The proportions of the room have been shortened due to the insertion of a partition wall. The proposed plans remove the modern partition and restore the room to its original proportion. It is proposed to make a new opening to the west of the wall adjoining Room F5 to allow improved circulation. Room F5 would become the gents WC and Room F4 would be a circulation space for this use. Room F5 is of particular significance and would originally have been the main reception room to the house providing views over the High Street and rear garden. The removal of modern partitions would restore the Georgian proportions. There has been much discussion over the use of these rooms for WCs and alternative locations have been fully considered. Whilst it would be admirable to restore the room its formerly high status, there would still be significant improvements to its form and character. The WCs have been located to the far south of the room and the low urinals centrally in order to allow a full appreciation of the scale and significance of this space. Therefore it is considered that any harm to the use of the room would be outweighed by the improvements intended to reinstate the original proportions.

### **Rooms F6 and F7**

- 5.16 This is a modern extension which utilises adapted window openings for access. The addition has a negative effect on the character and appearance of the building and its removal would enhance the internal and external appearance. Room F7 is the corridor leading to rooms to the north and there are no alterations here to affect the character of the space.

### **Rooms F8, F9, F10, F11 and F12**

- 5.17 These rooms at the north west end of the building are proposed to be combined to form the ladies WC. Within Room F8 is a blocked corner fireplace, thought to be of Georgian date. This is to be retained within the scheme however is not proposed to be opened up. The door to this room is of value and should be retained and reused. Rooms F9 and F10 are clearly of a later date to the rest of the building and have later Victorian features such as deep skirting boards and four panelled doors. There are several modern partitions here which will be removed to better reveal the original proportions of the two rooms. Rooms F11 and F12 are also of a later date and front onto the High Street. The removal of a partition wall here would improve the original form of the rooms. There also appears to be

a blocked fireplace within the southern wall, however the proposal does not include any alteration which would affect this.

### **Rooms F14 and F15**

- 5.18 Room F14 has been significantly altered to provide for its modern use as a WC. It has a partially blocked window with a later smaller window inserted. The room was almost certainly part of the adjacent bedroom (Room F15), but has lost its Georgian interior design and has no other features of interest. There are no significant alterations proposed here. Room F15 is thought to be a former bedroom with panelling dating perhaps from the 17<sup>th</sup> century. Whilst the panelling is intact within the room, the north and west walls do not have the same treatment, suggesting that these walls were a later insertion and that the room was originally much larger. There are no alterations proposed within Room F15 to affect its special interest.

### **Garden wall and Recessed niche**

- 5.19 The proposed demolition of Rooms 5 and 5a would have an impact upon the structural stability of the historic garden wall. Measures would need to be taken to ensure that the garden wall remains structurally secure and that the arched niche is unharmed. This is a particularly significant feature within the curtilage of the listed building and therefore a condition should be attached requiring a structural survey and full details of the method of construction.

### **New build design**

- 5.20 The proposed new buildings to the rear of 78-79 High Street are relatively small in scale using lightweight materials and not resulting in substantial change to the fabric of the Listed Building. Overall it is considered that the works of extension and alteration would not be harmful to the fabric, character or appearance of the Listed Building.

## **6.0 SUMMARY**

- 6.1 The proposed conversion of this part of the former Rutson Hospital to a public house use would ensure that the key Georgian features of the building are retained, restored and enhanced. There has been a significant amount of harm caused to the building through modern additions and alterations which this scheme aims to correct. Great weight is therefore given to the proposed conservation of the heritage asset which would overall sustain and enhance its significance as a grade II listed building. The proposal accords with local and national policies and is considered acceptable.

## **7.0 RECOMMENDATION**

- 7.1 That subject to any outstanding consultations and additional details in respect of the following matters, listed building consent is **GRANTED** subject to appropriate conditions.

- 7.2 Further detail is sought by conditions if not available prior to determination in respect of:

- The repair or replacement of the Delft tiles around the fireplace in Room 3; and
- The design of the door to the rear of Room 2 leading into the garden.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall

be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority.

- (a) The development shall be constructed of the approved materials in accordance with the approved method;
  - (b) The mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority; and
  - (c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.
3. The commemorative plaques within the lobby shall be protected for the duration of alteration works and retained within the building available for public viewing in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
  4. No demolition work shall be undertaken to the north east wall of Room 11 other than in accordance with a scheme that has previously been submitted to an approved in writing by the Local Planning Authority and shall afford access for inspection by a nominee of the Local Planning Authority during the demolition works. During demolition work recording of works to the north east wall of Room 11 shall be undertaken and written and photographic description shall be provided to the Local Planning Authority.
  5. No demolition work shall be undertaken within Room F3 other than in accordance with a scheme that has previously been submitted to an approved in writing by the LPA and shall afford access for inspection by a nominee of the Local Planning Authority during the demolition works. During demolition work recording of work within Room F3 shall be undertaken and written and photographic description shall be provided to the Local Planning Authority.
  6. Internal re-finishing of walls and doors shall not be undertaken other than in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
  7. No work to demolish Room 5 and 5A shall commence until a structural survey and method statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.
  8. No development shall be undertaken in Room 3 until details relating to the repair or replacement of the Delft tiles around the fireplace have been submitted to and approved in writing. Thereafter the approved works shall be undertaken in accordance with the approved details.
  9. No development shall be undertaken in Room 2 until details relating to the design of the door to the rear of Room 2 leading into the garden have been submitted to and approved in writing. Thereafter the approved works shall be undertaken in accordance with the approved details.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. to 9. To safeguard the heritage value of the building in accordance with LDF Policies CP16 and DP28.

**Parish: Sowerby**

Ward: Sowerby

**8**

Committee Date: 13<sup>th</sup> November 2014

Officer dealing: Mr T J Wood

Target Date: 16 December 2014

**14/01945/REM**

**Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links relating to outline application 10/02373/OUT.**

**at Land East Of Topcliffe Road And South Of Gravel Hole Lane Topcliffe Road Sowerby North Yorkshire**

**for Hambleton District Council (Mr Dave Goodwin).**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The land is included in the application is predominantly flat, free draining arable land used for cereal production but within a wider allocated and approved development site. The application site also includes the former gravel pit and later land fill site to the south of Gravel Hole Lane. The land is bounded by hedges and fences to the residential properties on Kings Meadows. Agricultural hedges bound Donkey Lane at the extreme east end of the site and on the southern boundary.
- 1.2 The east of the application site is a public right of way known as Donkey Lane and beyond Donkey Lane is a further agricultural field to the south of the residential development of St Oswald's Close.
- 1.3 Arable land extends from the south side of the site down to the A168 dual carriageway. West of the site is a site being developed for extra-care housing and Topcliffe Road. To the north of the site is Gravel Hole Lane and Kings Meadows, a residential estate of 98 dwellings both single and two storey.
- 1.4 The application site encloses the Thirsk Skate Park that is south of Gravel Hole Lane. The electricity substation that is immediately west of the Skate Park is not within the application site.
- 1.5 A second application (reference 14/02117/FUL) has been made for extensions to the sports facilities that stand on the north side of Gravel Hole Lane at Thirsk School. This proposal is referred to as the "northern site".
- 1.6 The proposal relates to:
  - 11.1 hectares of mainly agricultural land to the south of Gravel Hole Lane and Kings Meadows;
  - Pedestrian access routes from Topcliffe Road and Gravel Hole Lane;
  - Vehicular access from Topcliffe Road to the sports village and main car park (88 spaces and 65 overflow spaces) and emergency access;
  - Vehicular access to the 'allotments' car park (50 spaces) from Gravel Hole Lane
  - Security fencing to the perimeter of the site and between allotments and BMX area;
  - Formation of 18 allotments;
  - A sports pavilion (40m x 15.5m x 7.6m high under mono-pitch roof) including meeting rooms. The pavilion is shown to include 8 team changing rooms and 2 officials changing rooms at ground floor level. Also at ground floor are disabled persons' changing room, spectator facilities, first aid room, toilets, club management offices,

reception desk, tea server, cellar, plant room, stores, and access stairs to the first floor. A second phase (18m x 15.5m x 5.8m) is shown incorporating meeting room with room divider, 2 offices with stores, and 19 sq. m sports retail space. At first floor levels is a sports lounge with bar and kitchen, with stores and toilets and external viewing balcony and external staircase to the pitch side;

- 'Thirsk Clock and Cycle Hub'. A single storey Thirsk Clock building (32.5 x 17m max x 5.4m high) is to provide a new home for Thirsk Clock currently based in East Thirsk at the Methodist Church. Two meeting rooms, a computer room, kitchen, community café, 3 offices, kitchens and stores are shown. A possible phase two (21m x 9.5m x 5.8m high under mono-pitch roof) shows 2 workshops and stores (overall 175 sq. m) to operate as part of the Thirsk Clock function. The building is shown to use brick and vertical timber boarding below a single ply membrane roof;
- A biomass heating boiler house 7.5m long x 4m wide x 4.5m high and fuel store 6m high clad with timber boarding;
- A covered amphitheatre 15m diameter comprising an octagonal covered frame;
- An equipped children's play area, cycle parking and seating;
- A BMX skills area 33 x 23 metres;
- A floodlit grass rugby pitch 120 x 70 metres and floodlit football pitch 100x 64 metres;
- Floodlighting columns of 18.3 to 21.3 metres in height;
- A non-illuminated grass rugby pitch 120 x 70 metres and 6 smaller grass pitches denoted as 9v9 (73 x 46 metres), 3 no. 7v7 (55 x 37 metres) and 2 no. 5v5 pitches (37 x 27 metres);
- A 400 metre grass athletics track enclosing the floodlit football pitch;
- An equipment store (9.1m x 4.9m x 3.4m) and groundsman's store (15m x 6m x 4.5m high);
- Perimeter cycle/fitness trail and fitness stations; and
- Planting schemes for the perimeter and at the entrance feature and around the pavilion and other buildings.

1.7 The land was the subject of the outline planning application approved for land east of Topcliffe Road and south of Gravel Hole Lane (reference 10/02373/OUT). The application has been submitted to seek permission to move from the 'in principle' approval for the development of sports facilities to a detailed scheme that can be implemented and includes details to seek to meet the requirements of conditions attached to the outline planning permission.

1.8 The buildings proposed would meet the needs of the players, officials, coaches and the clubs and organisations involved in promoting and managing the sports concerned.

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

2.1 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered; Granted subject to conditions and planning obligation 21 August 2012.

2.2 13/02427/REM - Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works; Granted 17 March 2014.

## **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy 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 DP4 - Access for all  
Development Policies DP5 - Community facilities  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP38 - Major recreation  
Development Policies DP39 - Recreational links  
Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010  
Supplementary Planning Document - Open Space, Sport and Recreation, adopted 22 February 2011  
National Planning Policy Framework  
National Planning Practice Guidance

**4.0 CONSULTATIONS**

- 4.1 Sowerby Parish Council – wish to see the application approved.
- 4.2 Highway Authority – raised an initial query regarding the proposed access route and the position of the pedestrian access that is in the same position as the proposed highway soakaway for the adjacent extra-care apartments and bungalows.
- 4.3 NYCC Archaeology – Recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. In the first instance, I would advise that this evaluation should comprise geophysical survey, to be followed by trial trenching and mitigation as appropriate. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141).
- 4.4 Yorkshire Water – Comments awaited.
- 4.5 North Yorkshire Police Architectural Liaison Officer – “The applicants have considered crime prevention in respect of the proposal. On behalf of the North Yorkshire Police, I have no concerns or issues to raise at this time”.
- 4.6 Highways Agency – No objections
- 4.7 Ministry of Defence Safeguarding – No objections

- 4.8 Environment Agency – No comments
- 4.9 Natural England – No objections.
- 4.10 Yorkshire Wildlife Trust – advise that they don't have the capacity to comment on the scheme in detail and refer to their response to the outline application.
- 4.11 Correspondence has been received from neighbours as follows:
- Whether there would be lighting around the cycle/fitness trail and the rugby pitch enclosed by it;
  - The design of fencing proposed for the Donkey Lane boundary; and
  - The number of allotments is not sufficiently large.

## **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration are not ones of principle as they were considered at the outline stage. The matters are ones of detail relating to:
- Pedestrian, cycle and vehicular access;
  - The layout of the proposed sports facilities and the relationship to neighbours;
  - The detailed design and materials of the buildings and facilities;
  - Landscaping proposals; and
  - The nature of the proposed sport and recreation provision.

### **Access**

- 5.2 The proposed accesses for pedestrians and cyclists are from Gravel Hole Lane and Topcliffe Road. This follows the design philosophy of the outline application that seek to maximise walking and cycling and minimise car use. The main access for pedestrians would be from a position close to the Topcliffe Road/Gravel Hole Lane junction and would be designed to form a feature. Pedestrian access to and from Thirsk School is shown, including a defined road crossing point close to the existing vehicular and pedestrian access to the school from Gravel Hole Lane.
- 5.3 Additional pedestrian access routes are shown adjacent to the proposed BMX skills area and a further route via the approved town square adjacent to the extra-care apartments and alongside the main access road to Topcliffe Road. A further direct access route is envisaged between the designated education site and the area of the athletics track.
- 5.4 Vehicular access is shown to be taken from the southernmost roundabout on Topcliffe Road in order to minimise vehicular movements through the neighbourhood centre and on Gravel Hole Lane. A secondary emergency access is shown via the extra-care entrance on to Gravel Hole Lane and an access to the proposed allotments car park is shown on Gravel Hole Lane. The aim of the proposals has been to minimise the number of vehicle movements on Gravel Hole Lane whilst providing parking for those functions such as the allotments and providing parking for the school and reduce the incidence of on-street parking that can cause congestion on the highway network. A height restriction barrier is proposed on the allotment car park to prevent unauthorised access by higher vehicles.
- 5.5 The access arrangements prioritise the pedestrian and cyclist whilst making appropriate provision for mini-bus, coaches and other motorists. The scheme is considered to be in accordance with both the outline planning permission and relevant LDF policies as it minimises the use of the car to access the site contributes towards a sustainable transport network.



## **Layout of the proposed sports facilities**

- 5.6 The layout of the site shows a margin of 32 metres between housing on Kings Meadows and the nearest sports pitches. The intervening space is shown to be planted with a mix of small trees and shrubs and includes within the margin a cycle and fitness trail. The illuminated pitches would be a minimum of 82 metres from the nearest dwelling. Three rows of landscape planting are shown between the illumination poles and the nearest neighbours. The landscaping is envisaged to take between 5 and 10 years to reach a level of maturity to achieve a significant level of effective screening. In the short term the design specification and intervening distance would serve to reduce the potential impact. However, management control of the proposed lighting is required to fully safeguard the amenity of neighbours, a condition may be imposed to control the precise siting and design of the lamps and separately the time of use of floodlighting.
- 5.7 The buildings within the site are a minimum of 120 metres from the nearest dwelling (17 Gravel Hole Lane to Thirsk Clock Workshop). The layout of the site is such that those elements most likely to cause disturbance to residents, such as illuminated pitches and car parks, are the most distant from those dwellings. The layout complies with LDF policies CP1 and DP1 that requires proposals to protect amenity of neighbours.
- 5.8 The amenity of current and future residents can be protected by conditions relating to matters such as the operating times of the lighting on the sports pitches; the hours of use of the facilities; and the position of the sports pitches and other built facilities.

## **Design of the buildings and facilities**

- 5.9 The proposed buildings would be set in positions that are relatively isolated from other structures. The buildings would, until the proposed landscape features become established and other buildings are formed, be within an open landscape and without other buildings that form a reference point for their designs.
- 5.10 The design statement states that the design of the scheme has been “Considered carefully, in order to provide buildings, facilities and ancillary features which are attractive, yet still fully functional and fit for purpose. A strong landscape element to the scheme will help to ensure that landscape and visual impacts are minimised whilst helping to shape the environs of the new complex.”
- 5.11 The proposed buildings use an architectural form that is in the main utilitarian, minimises their height and is functional in terms of the relationship with the uses between the sports pitches, the existing skate park and floodlit pitch at Thirsk School, access routes. The buildings are of a scale that is appropriate to the size of the open space and the needs of the community. They are all of bespoke design using a variety of eaves and ridge heights thereby creating visual interest and the design gives a clear indication of the use of the buildings, aiding the user’s understanding and navigation around the site. Whilst the buildings would differ in their detailing and serve several different purposes, they have a degree of uniformity of design and the material palette is shared and appropriate to the setting. It is considered that the design is in accordance with the objectives of LDF Policies CP17 and DP32.
- 5.12 The range of materials is limited to timber boarding and brickwork for walling, sheeting and single ply membrane with standing seams for roofing. The boundaries to the site would be secured by green coloured weld mesh fencing and decorative timber fencing. Surfacing is to be varied extensive use of grass with areas of rubberised materials for play areas and basketball, resin bonded gravel, timber deck, slab paving and permeable tarmac to the car park.

## **Nature of sport and recreation provision**

- 5.13 The master planning for this site and this subsequent planning application aim to deliver the sport and recreation facilities required as part of the wider allocated site TM2E at South West Thirsk. The Council's Community Leisure Manager confirms that the components of the design have been determined following detailed consultation with sport and recreation groups in the Thirsk and Sowerby locality, Thirsk School and Sixth Form College, Thirsk Clock and Sowerby Parish Council, and then through further consultation with the wider community. Throughout each step of the process the design and layout has been amended, where appropriate, to take views, concerns and needs into account.
- 5.14 From the Applicant's perspective the development would:
- Contribute significantly to reducing the deficit in sport and recreation facilities in Thirsk and its hinterland identified in the Public Open Space, Sport and Recreation Supplementary Planning Document, February 11;
  - Complement existing facilities in the area so as not to cause any detrimental effect on their use. The Sowerby Sports Village is providing additional resources to meet the projected increase in participation in sport and recreation as a result of the significant number of new homes that will be built in the area and current levels of rising demand. There is also scope to provide additional allotments/community garden space adjacent to the extra-care facility if the demand is there;
  - Create clear linkages with the wider Sowerby Gateway scheme to housing, schools and services which will encourage people to walk and cycle to the site – within the buildings adequate space has been provided for the provision of both areas for lockers and secure bag storage. Vehicular access will come from the second roundabout on Topcliffe Road – with only a small number of vehicles gaining access from Gravel Hole Lane to access the community gardens/allotments;
  - Create welcoming and well-used spaces where the presence of people acts as a deterrent to bad behaviour. In addition to the formal sport pitches and facilities, positive activities for everyone have been included within the public square, covered amphitheatre, skate and BMX parks and the perimeter trail;
  - Be secure when not in use with a comprehensive fencing plan. The fencing line along the boundary to Gravel Hole Lane and around the main pedestrian entrance to the rear of the Education Land will be secure 2.0 metre high metal fencing. The boundary to Donkey Lane will also be 2.0 metre high steel fencing. To the rear of residential properties within Kings Meadows, the existing hedgerow and fencing will be enhanced and improved to both prevent access but maintain an acceptable landscaped boundary. All access gates will be closed and locked when out of operational hours. There are no plans to floodlight the grass rugby pitch to the rear of the site or the trail. As part of the pre-planning consultation a draft scheme was reviewed with Chris Green, Architectural Liaison Officer for North Yorkshire Police and the developed design that now forms this reserved matters application has been amended in line with his recommendations. Thirsk Clock's presence combined with Sports Village management committee members, and club representatives will provide a staff presence on site; and
  - Be managed by a newly formed management company made up of representatives of the key stakeholders of the site. The company would be not for profit with charitable aims and objectives to ensure that the site is managed and maintained for the good of its users and residents.
- 5.15 Insofar as the nature of the chosen range of facilities is relevant to planning, these details are considered to be laudable and consistent with the vision created by the LDF allocation and the outline planning permission.
- 5.16 The objectives set out in the Allocation Document DPD are considered to be met by the proposal. The scheme will provide an accessible facility that will meet the needs of the new community and provide an opportunity for the new and existing communities to develop the

quality and range of sport and recreational facilities. The views of the local community have been effectively gathered through pre-application engagement and have resulted in a design that has been the subject of support during the application stage.

## 6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations reserved matters are **APPROVED** subject to the following conditions:

1. (A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).  
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
2. No part of the sports pitches or peripheral areas shall be used for any fair, festival or show without the prior written approval of the Local Planning Authority.
3. The floodlighting to the sports pitches as shown on drawing number SK02A shall not be illuminated outside the hours of 7am and 10pm.
4. No vehicular access shall be taken to or from Gravel Hole Lane for any purposes other than the operational use of the service access to the Thirsk Clock Cycle Hub, Biomass plant and allotments and car park south of 17 Gravel Hole Lane. No construction access shall be taken from Gravel Hole Lane other than in accordance with details that have been approved in writing by the Local Planning Authority.
5. The sports pitches and perimeter cycle and fitness trail shall not be brought in to use unless the landscape planting works between south and west boundary of the site with Kings Meadows and the nearest sports pitches have been completed in accordance with the approved planting scheme.
6. The development shall not be brought in to use unless the security fencing to the perimeter of the site has been completed in accordance with the approved security provisions unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest and the Hambleton Local Development Framework Policies CP16 and DP28.

2. In order to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
3. In order to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
4. In order to manage traffic flows on Gravel Hole Lane and surrounding roads in the interest of the safety of road users and to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
5. In order to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
6. In order to reduce the potential for crime and anti-social behaviour within the site and thereby safeguard the amenity of neighbours in accordance with the LDF Policies CP1 and DP1.

**Parish: Sowerby**  
Ward: Sowerby  
**9**

Committee Date: 13 November 2014  
Officer dealing: Mr T J Wood  
Target Date: 10 December 2014

**14/02117/FUL**

**Extension of floodlight times to existing all-weather pitch, extension of all-weather fenced pitch with grass mounding /screen planting and erection of two storey Hockey Pavilion with minor extension to car park.  
at Thirsk School and Sixth Form College, Topcliffe Road, Sowerby, North Yorkshire for Hambleton District Council.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The land within the application site boundary is currently used as an all-weather illuminated sports pitch with adjacent changing room car parking, school coach parking and incidental grassed areas and strategic landscape planting. The land is predominantly level and bounded to Topcliffe Road by a mixed species hedge.
- 1.2 On the west side of Topcliffe Road is the residential estate of Cocked Hat Park. To the north is the Thirsk School campus. To the east is a residential cul-de-sac School Garth. To the south beyond Gravel Hole Lane is the existing Thirsk Skate park, an electricity sub station and the site for the Sowerby Sports Village (14/01945/REM) for which an application for approval of the reserved matters of the outline application for the development of the allocated site LDF Allocations TM2, (10/02373/OUT) is pending.
- 1.3 This application seeks to extend the facilities on the 1.32 hectares of land to the north of Gravel Hole Lane to provide:
- an all-weather practice area 23m x 35m on the northern boundary of the existing all-weather pitch, with boundary fencing;
  - two storey hockey pavilion 28m x 9m x 8.4m high;
  - additional floodlighting;
  - increase the operational hours of the floodlighting on the existing all-weather pitch (from existing 9pm limit) to 10pm;
  - provisional of additional 6 mini-bus parking bays; and
  - landscaping measures including mound and tree planting.
- 1.4 The application site land to the north of Gravel Hole Lane was not part of the outline planning application approved for land east of Topcliffe Road and south of Gravel Hole Lane (reference 10/02373/OUT).

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

- 2.1 2/96/139/0485 Layout of land and formation of an all-weather sports pitch with associated, fencing and floodlighting and construction of a building to office, storage and changing.

Condition 6 of the permission states: "The development hereby approved shall not be used outside the hours of 0900 - 2100 Mondays to Fridays and 0900 - 1800 Saturdays, Sunday and Bank Holidays". The reason is "In the interests of residential amenity".

- 2.2 Associated applications on land south of Gravel Hole Lane:

- a) 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered; granted subject to conditions and planning obligation 21 August 20124
- b) 13/02427/REM - Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works; granted 17 March 2014
- c) 14/01945/REM - Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links relating to outline application 10/02373/OUT; reported elsewhere on this agenda.

### **3.0 NATIONAL AND LOCAL POLICY**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP19 - Recreational facilities and amenity open space  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP32 - General design  
 Development Policies DP37 - Open space, sport and recreation  
 Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010  
 National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Sowerby Parish Council – wish to see the application approved.
- 4.2 NYCC Highways – comments awaited
- 4.3 Environmental Health Officer – comments awaited
- 4.4 North Yorkshire Local Access Forum – comments awaited
- 4.5 North Yorkshire Police Architectural Liaison Officer (Designing Out Crime Officer) – There are no concerns in respect of extending the floodlighting hours from 9pm to 10pm. Comment is made that the land at Thirsk School is not secure and that people ‘short-cut’ through the school land, noting that this is not a desirable situation in respect of ‘safeguarding’ and the security of school buildings. There is a danger that trespass through the school land could increase as a consequence of the Sowerby Sport Village facilities. The Hockey Pavilion could provide an attractive location for youths to congregate and that outside those times when there is supervision the building could be vulnerable to vandalism

and other anti-social behaviour. A strong recommendation is made that the Hockey Pavilion should be within a 2m high weld mesh paladin security fence.

- 4.6 Neighbour notifications, site notices – (neighbour notification expiry date 11 November 2014) - No responses received

## **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration are:

- The access arrangements;
- The design and layout of the buildings;
- The potential impacts from the additional floodlighting; and
- Security and anti-social behaviour.

### **Access arrangements**

- 5.2 The access to the site is shown to be from Gravel Hole Lane for all users. Pedestrian access to Thirsk School would be maintained though noted to be gated in future rather than the thoroughfare that currently exists. Improvements to footways around the area will arise as a consequence of other developments that are commencing and are under consideration (as noted in the planning history at paragraph 2.2). Additional mini-bus parking spaces adjacent to the existing all-weather pitch would assist in accommodating users of the site whilst enabling the full size coach parking to operate unhindered. A pedestrian route is shown to serve the site and the Sowerby Sport Village when both are developed.
- 5.3 The proposal shows access by pedestrians and cyclists to be provided and that public transport vehicles can be enable accommodated within the site. The scheme meets the LDF policy and aspirations to minimise the need for travel using the car.

### **Design and layout of the buildings**

- 5.4 The design of the buildings is appropriate for the site in terms of scale, materials and detailed design. The use of brick work, timber board and single ply membrane roof would give an appearance of building that is appropriate to the setting on the edge of the school complex. The use of first floor glazing with balcony on the south elevation facing towards Gravel Hole Lane would enable the building to be distinct from the other school buildings and its function to be easily understood on arrival at the site. The scheme meets the LDF Policy requirements for a building of a high quality of design.
- 5.5 Functionally the location of the pavilion is fixed by the availability of space and the purpose of providing oversight of the existing all-weather pitch. The location of the extended pitch is fixed by the objective of providing a direct link to the existing pitch.

### **Potential impact from the additional floodlighting**

- 5.6 The provision of additional floodlighting has the potential to impact upon users of Topcliffe Road and the amenity of neighbours in property at Cocked Hat Park and Topcliffe Road. A stand of trees close to Topcliffe Road provides a screen that softens the impact of the existing floodlighting poles and lamp units. These trees would provide a similar softening impact for the proposed floodlighting. The impact of light-spill from the lighting is also reduced by the trees, the effectiveness of the screen is substantial during the summer months but the trees are deciduous; whilst the branches reduce the impact the lamp units are visible during the evening. The quality of the design and calibration of the floodlighting units is therefore important to avoid a significant loss of amenity to neighbours or glare that may cause a reduction in highway safety. A condition may be imposed to require the

submission, approval and implementation arrangements of details of the lighting units. By use of a condition in this way it is considered that the additional illumination will not result in harm to the amenity of neighbours or impact upon highway safety.

- 5.7 The application seeks to extend the operating times of the floodlighting from 9pm to 10pm. Whilst the additional hour of operating times would result in an increase in the times of lighting and use with potential noise impact from users of the pitch and of traffic movements after the end of sessions. There is no evidence to suggest that the additional use would result in any significant impact on neighbours. The additional hour of evening use would significantly increase the available evening operating times and would help to contribute towards the objective of promoting healthy active lifestyles. Applying a balanced approach it is considered that the benefits of the proposal would outweigh the potential harms for residential neighbours that cannot be addressed by conditions described at paragraph 5.6.

### **Security and anti-social behaviour**

- 5.8 Management arrangements for the use of the site and measures to provide security may be made the subject of a planning condition. However, a condition cannot be imposed to require the provision of improved security at Thirsk School, as suggested by the Police Architectural Liaison Officer because it is outside the applicant's control.

## **6.0 SUMMARY**

- 6.1 The scheme will provide improved facilities for uses of the existing all-weather pitch and enhance the opportunity for sport and recreation in accordance with the objectives of Local Development Framework Policies.

## **7.0 RECOMMENDATION**

- 7.1 That subject to any outstanding consultations, planning permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. 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. (A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
    - i. The programme and methodology of site investigation and recording;
    - ii. Community involvement and/or outreach proposals;
    - iii. The programme for post investigation assessment;
    - iv. Provision to be made for analysis of the site investigation and recording;
    - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
    - vi. Provision to be made for archive deposition of the analysis and records of the site investigation; and
    - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.



(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

4. No part of the sports pitches or peripheral areas shall be used for any fair, festival or show without the prior written approval of the Local Planning Authority.
5. The floodlighting to the sports pitches as shown on drawing number SK02A shall not be illuminated outside the hours of 7am and 10pm.
6. 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.
7. The development shall not be brought in to use unless the security fencing to the perimeter of the site has been completed in accordance with the approved security provisions unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In accordance with Section 12 of the NPPF as the site is of archaeological interest and the Hambleton Local Development Framework Policies CP16 and DP28.
4. In order to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
5. In order to safeguard the amenity of neighbouring property in accordance with the LDF Policies CP1 and DP1.
6. 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 CP17.
7. In order to reduce the potential for crime and anti-social behaviour within the site and thereby safeguard the amenity of neighbours in accordance with the LDF Policies CP1 and DP1.

## 10

### 14/01799/FUL and 14/01800/LBC

**Renovations and single storey rear extension to dwellinghouse as amended by plans and email received by Hambleton District Council on 30 October 2014.  
at Fairview High Street Stillington North Yorkshire  
for Mr Steve Tyssen.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The dwelling is an end of terrace two storey cottage that lies on the southern side of the High Street towards the western end of the village, within the Stillington Conservation Area. The cottage is set above the street level with only pedestrian access at the front. Vehicular access is via the shared back lane to the southern boundary of the property.
- 1.2 The dwelling is a brick built grade II listed building that has been vacant for more than 30 years and has suffered deterioration over that period. The roof tiles were removed in response to structural and safety concerns last winter and have been stored within the site. The roof has been made weather-tight with roofing felt pending consideration of this application, which includes the insertion of roof lights and a fan extract in the rear roof slope.
- 1.3 It is proposed to renovate the cottage in order to make it habitable. The proposed alterations are listed as follows:
  - Construct a single storey extension with external chimney stack to the rear elevation to create a lounge
  - Insertion of ground floor window to gable
  - Remove part of rear wall to allow access into proposed extension
  - Reposition the front door to an existing window opening on the front elevation
  - Brick up existing front door opening
  - Alter window openings on the rear elevation
  - Replacement windows to front elevation
  - Works to roof
  - Add two roof lights to the rear elevation
  - Remove and replace frost damaged bricks including parts of the front wall and side gable in poor repair
  - Repoint using lime mortar
  - Re-arrange the first floor accommodation to provide three bedrooms and a bathroom
  - Remove existing staircase and construct new staircase in a different position
- 1.4 Amended plans have been received that alter the size and design of the windows on the rear elevation and reduce the height of the proposed extension by reducing the roof pitch from 44° to 38°.
- 1.5 The agent for the application has indicated that work would commence within a year if permission is granted.

#### 2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 12/00496/FUL & 12/00497/LBC - Applications for planning permission and listed building consent for alterations and extension to existing dwelling; withdrawn June 2012.

### **3.0 NATIONAL AND LOCAL POLICY**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP28 - Conservation  
Development Policies DP32 - General design  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

#### 4.1 Parish Council - no objection but wish the following points to be considered:

1. This is a much-improved application but still question the front door being relocated even though the original doorway brickwork is being recessed.
2. The window area of the rear elevation is much too large for the property and the window design is modern .Are they Yorkshire Sliders? It is unclear if they are but we would encourage this design for the Cottage.
3. The folding glass doors and windows over are not in keeping with the Cottage
4. We are concerned that the Heritage statement mentions another planning may be later altering the rear extension to two storey.
5. We also question the need to add an extra bedroom as there is a need for 2 bedroom properties in Stillington according to a recent housing survey.

Comments regarding the amended plans are awaited.

#### 4.2 HDC Conservation Officer - I have been involved in discussions over several years now regarding the condition of this property and bringing it back into use. The current application, as amended is the result of many discussions and amendments. I wish to support the application in its current form as I believe the alterations have been supported by sufficient justification and are well designed. The proposal will ultimately sustain and enhance the existing building, putting it to a viable use consistent with its conservation as well as making a positive contribution to the character of the street scene. Further information relating to window details, recording of the staircase and external doors are required.

#### 4.3 Site notice/local residents - an objection has been received from and on behalf of the owner and the occupier of the adjacent property, Fairview Cottage, and the comments are summarised as follows:

1. It would appear the footprint of the house is the same as the previous two applications.
2. There is a right of way around the rear of the house and the extension is sited through the middle of this. The right of way has been there for at least a hundred years and been used by the present occupant of Fair View cottage for 65 years.
3. The extension would seriously restrict the right to light of my property which has been enjoyed for the 250 years since the property was built. It will turn an already poorly lit room into something resembling a dungeon. The degree of light will alter massively and I will gladly agree to any scientific study to substantiate this.
4. The extension would be in breach of the 45 degree rule from the window of my living room window. Any extension to the rear would be in breach of this. It would enclose my house and be overbearing on my property. I would also lose a great deal of privacy.
5. A further window is proposed to the right of the rear door which will infringe on my

privacy and will directly overlook and be higher than the fence I erected. It will look directly into my front room from 3 yards away and is totally unacceptable. There is no indication on the plans that this is a new window and has obviously been overlooked.

6. The height of the extension is nearly as high as the previous two applications and why could this not be a flat roof of no more than 8 feet as this would not alter the size of the actual footprint.
7. There is already a precedent for extending along the building line of a grade two listed building further up the street.
8. It should also be noted that officers were of the view that the cottage lends itself to being a two bedroom cottage.
9. Any rear extension would result in my water supply being affected as it would go over my supply.
10. There is nothing in the plans as to rainwater run off or drains.
11. It is now 33 years of neglect and in-action by the owner and the council in relation to this cottage and I do want the property to be made safe.
12. I ask that any extension to the rear be refused but would be in agreement to any extension along the building line.

Comments regarding the amended plans are still awaited.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to be considered in respect of planning application 14/01799/FUL are the effect of the alterations and extension on (i) the character and appearance of the existing dwelling; (ii) the surrounding Conservation Area; and (iii) the amenity of the adjacent residents. For listed building application 14/01800/LBC, the sole issue is the effect of the alterations and extension on the character and appearance of the existing listed building.

### Application 14/01799/FUL

- 5.2 The dwelling is in need of repair and restoration and it is believed to be more than 30 years since it was inhabited. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and in this context, the Stillington Conservation Area and the adjacent Fairview Cottage, also listed grade II, are heritage assets. Whilst the deterioration of the building over the years has been an issue of concern, it has not had a significant impact on the area until recently and the temporary roof covering cannot be acceptable in the long term. It is therefore relevant to consider the case for improving the building's condition and the appearance of the conservation area through implementation of this scheme. This is also set out as a statutory requirement in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of the Conservation Area.
- 5.3 The greatest change to the dwelling would be the construction of the rear extension. The proposed scheme is single storey and is of a scale and form appropriate to the original building and the surrounding area. The proposed use of glazing to much of the rear gable of the extension would be a contemporary feature within an otherwise traditionally designed extension but would not be inappropriate set within the brickwork to either side. The external chimney stack allows more internal space to be provided and would not be an inappropriate feature of the dwelling as it would be positioned entirely upon the new build section and would have no impact on the surrounding character of the Conservation Area.
- 5.4 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable features within the Conservation Area. The Heritage Statement suggests that the small first floor window is a later addition to the cottage and it is considered acceptable to enlarge this opening in a manner compatible with the character of the cottage.

- 5.5 The attached dwelling at Fairview Cottage has previously been altered at the rear and an L-shaped extension lies at right angles to the main house providing a living room and a kitchen. The living room is within a link between the original part of the dwelling and the kitchen, with the window serving it facing westwards towards the side elevation of the proposed extension, at a distance of approximately 7m. There is a 1.7m high timber fence on the boundary between the two properties at the rear but notwithstanding the height and presence of the fence the extension would affect the outlook from the living room. Amended plans have been received to reduce the height of the extension and which now would have a ridge height, when measured from the ground level on the Fairview Cottage side, of 4.1m and an eaves height of 2.2m. This would obstruct part of the sky when viewed from the window of the living room and consideration must therefore be given to the impact on the amenity of the occupants and whether this would be contrary to Policy DP1, which requires development to adequately protect amenity with regard to daylight. Beyond Fairview is a substantial two storey dwelling that provides a backdrop to the proposed extension and would block low angled sunlight whilst light and outlook into this the living room window is already affected to some degree by the design of the extension of Fairview Cottage as the kitchen element protrudes further thereby stepping back the living room behind its side wall. The floor level of the living room in Fairview Cottage is at a lower level than the floor level of the proposed extension but the reduction in height of the extension ensures that daylight and skyline into this room would be retained and would not significantly detract from the amenity of the residents. A proposed new window on the rear elevation has been reduced in size and, as a result, positions it further from the boundary.
- 5.6 A window is proposed in the side elevation of the proposed extension, which would directly face the neighbour's living room window. However, a typical rear garden fence, such as that already in situ, would allow adequate privacy to be maintained.
- 5.7 The proposed internal alterations would create three bedrooms within the existing floor space. This does not require any specific alterations to the dwelling and therefore the provision of either three smaller bedrooms or two larger bedrooms is not a matter that is relevant to the planning merits of the application.
- 5.8 It has been suggested that an alternative position for an extension along the building line of the dwelling, that is, to the side elevation, would be preferable. This is an option that has been discussed informally but, it is suggested, would not result in useable space within the dwelling and would be wrongly proportioned in relation to the existing dwelling as the available space is not wide enough. Infilling the space would also remove the pedestrian access to the rear of the dwelling and its neighbour. It is also considered that a narrow side extension in this position would have an unbalanced appearance to the streetscene, resulting in an unsympathetic alteration to the listed building.
- 5.9 The private right of way at the rear of Fairview enjoyed by the residents of Fairview Cottage is a not a planning matter. Should planning permission be granted, it would not affect any private rights and this would remain a civil matter to be addressed by the relevant parties. The effect of the development on the water supply would also need to be addressed separately through building regulations.
- 5.10 The proposed development, as amended, would maintain the predominantly residential character and appearance of the Stillington Conservation Area and would not have an unacceptable impact on residential amenity. It would not harm the setting of the adjacent listed building, Fairview Cottage. Approval of the application is therefore recommended.

Application 14/01800/LBC

- 5.11 As noted earlier, the dwelling is in need of repair and restoration. Paragraph 130 of the NPPF states "Where there is evidence of deliberate neglect of or damage to a heritage asset

the deteriorated state of the heritage asset should not be taken into account in any decision.” Whilst the building could have been better cared for, the owner has responded to reasonable requests made by the Council and the North Yorkshire Building Control Partnership and accordingly it is not considered that deliberate neglect has occurred. It is important that appropriate work is undertaken to repair and restore this property so that it does not deteriorate further. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is therefore desirable to facilitate the re-occupation of the property in its original use as a dwelling.

- 5.12 This must be weighed against the effect of the alterations on the historic fabric of the building. The loss of any original features is an important consideration. The NPPF states that the significance of a listed building can be lost through alteration. The greatest alteration to the front of the dwelling is the repositioning of the front door. By using the existing opening it ensures that the balance of the elevation is retained and by bricking up the existing opening it allows the history of the property to remain apparent. It is considered that this would be an acceptable change that would not detract from the integrity of the building.
- 5.13 The greatest change to the form of the building would be the construction of the rear extension. The proposed scheme is single storey and is of a scale and form appropriate to the original building. The proposed use of glazing to much of the rear gable of the extension would introduce a contemporary feature within a traditionally designed extension but its impact on the building is limited, such that overall, the significance of heritage asset would be sustained. The external chimney stack would not be inappropriate as part of the extension, being subservient in scale to the main dwelling and therefore of limited impact.
- 5.14 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable.

## 6.0 RECOMMENDATION

### Application 14/01799/FUL

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within one year of the date of this permission.
  2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the lime mortar 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. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
  4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered T189/2, T189/3A, T189/10C and T189/11C received by Hambleton District Council on 26 August and 30 October 2014 and email received on 30 October 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. To ensure the appearance of the windows is appropriate to the character and appearance of the surroundings in accordance with LDF Policies CP16 and DP28.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP1, DP28 and DP32.

#### Application 14/01800/LBC

6.2 That subject to any outstanding consultations listed building consent is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the lime mortar, 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. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered T189/2, T189/3A, T189/10C and T189/11C received by Hambleton District Council on 26 August and 30 October 2014 and email received on 30 October 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the grade II listed building of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure the appearance of the windows is appropriate to the character and appearance of the grade II listed building in accordance with LDF Policies CP16 and DP28.

4. In order that the development is undertaken in a form that is appropriate to the character and appearance of the grade II listed building and in accordance with the Development Plan Policies CP16, CP17, DP28 and DP32.



**Parish: Whorlton**  
Ward: Swainby  
**11**

Committee Date : 13 November 2014  
Officer dealing : Mrs B Robinson  
Target Date: 21 October 2014

**14/01788/FUL**

**Proposed pig finishing house as amended 22 October 2014.  
at Wellington Farm Ingleby Arncliffe North Yorkshire DL6 3JX  
for Mr Andrew Dickins.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is part of a farm with ranges of buildings, traditional and modern, in close proximity to the A19 dual carriage way. It has an access off the A19, which also gives onto a length of the old road serving properties south of the farm including Wellington Cottage, Glebe House (also known as Glebe Cottage), Trenholme Lodge, and the side entrance of a petrol/service station to which the main access is from the A19.
- 1.2 There is high hedging along the access road. The roadside boundary extending northwards from the farm entrance along the A19 is post and rail fence for the first 120 metres, and is thereafter hedged for a further 100 metres.
- 1.3 There is a kennel and cattery business operating from the farm.
- 1.4 The proposal is a building to house 1,000 pigs. The building would be constructed of green bonded panels. The dimensions are 47 x 15.8 metres x 4.2 metres high. The building would have 8 fan vents, projecting approximately 1 metre above the ridge. There would be a slurry pit beneath the building. Additional information has been submitted noting that pigs would be delivered every 10 -12 weeks and kept on a slatted surface without straw. The slurry tank would be emptied every 6 months, and the slurry exported off site.
- 1.5 As submitted, the building was proposed to be located immediately to the south of the existing roadside buildings, approximately 20 metres from the nearest neighbouring dwelling, Glebe House ("first location").
- 1.6 It was then proposed in a revised position closer to the farm entrance, at the northern end of the existing roadside buildings, in an approximate mid-point between Glebe House and Wellington Cottage to the south and Wellington Farm House to the north ("second location").
- 1.7 As further amended, the proposed location is now approximately 110 metres north of the farm entrance. It is roughly perpendicular to the road, and is approximately 25 metres from the roadside boundary, at its closest point. An area of hardstanding 25 x 10 metres is proposed between the building and the field boundary. Access to the building utilises an internal road from the main farm entrance, which is extended northward to the building ("current location").
- 1.8 The amended position was selected to maximise the distance from nearby residents, and also taking into account access requirements. The nearest dwellings would now be Wellington Farm House and an adjacent dwelling, The Cottage, approximately 90 metres to the south.
- 1.9 The application is submitted for decision by the Planning Committee as the applicant is closely related to a Member of the Council.

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

- 2.1 10/02253/FUL - Agricultural storage building; granted 29 November 2010.
- 2.2 11/00479/FUL - Agricultural storage building; granted 3 May 2011.
- 2.3 12/01649/FUL - Extension to agricultural storage building to form agricultural store and housing of livestock; granted 26 October 2012.
- 2.4 The above buildings are each currently used for pig rearing. Their use for livestock was not precluded by the planning approvals.

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP26 - Agricultural issues  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

### Parish Council

- 4.1 First location: no objection. Second location: wish to see refused because of the concerns expressed by Environmental Health Officers and the impact of the building on the existing neighbouring residents who expressed their concerns at the Parish Meeting.
- 4.2 Current location: comments awaited.

### Environmental Health Officer

- 4.2 First location: concerns about odour, noise and insects approximately 75 and 50 metres from neighbouring houses; one complaint received. Recommended refusal and suggested 400 metres separation from residential property. A detailed waste and fly management plan is recommended, also a noise report in connection with ventilation system, including day and night time impact.
- 4.3 Current location: this application is for the construction of a pig finishing building. The position of the building has been revised and will now be positioned over 270m from the nearest non associated property (Glebe House).

The application has been assessed based on the information provided in the noise impact assessment dated 26th September 2014. The specification for the fans was found to be acceptable and will not cause an impact on amenity. I would recommend that the installation of 8 Skov fans type CL600 be conditioned if permission is granted. The fans must be operated and maintained in accordance with the manufacturer's instructions so long as the use continues.

Although the position of the proposal has been revised it is still within 400m of residential properties. However there should be no impact on amenity in relation to odour and flies as the slurry produced by the pigs will be stored beneath the building and emptied using a

sealed slurry tanker. The slurry will be sold off site and spread on land away from Wellington Farm. I feel it is appropriate to recommend a condition stating that no waste from the proposed unit shall be spread on any field within 400 metres of dwellings.  
Informative

The applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours. The applicant should be aware that the granting of planning permission for this development will not provide a defence in the event that noise or odours arise at any time in the future and are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.

4.3 Highways Agency - no objection

4.4 Ramblers Association - no objection

#### Neighbour observations

4.5 First location: concerns expressed -

- i. Smell, flies, dust and noise from pig rearing in existing buildings.
- ii. Slurry on the lane.
- iii. Noise from fans – would they run 24 hours?.
- iv. The development should not be near where people live.
- v. Object to increase in pigs at the farm EA permit required for over 2,000.
- vi. Absence of an odour management plan.
- vii. Absence of noise monitoring evidence.
- viii. Power washing of sheds will aerate the bacteria that create odour.
- ix. The hedge will not screen the building.
- x. Drainage issues with driveway.
- xi. Polluted water may drain into a pond where there are protected newts.
- xii. Absence of specification for slurry storage.
- xiii. Noise from filling/emptying a silo has been detrimental to amenity elsewhere.
- xiv. Slurry spreading on land near houses is unacceptable.
- xv. Impact on property sales.

4.6 Current location:

- i. The separation distance of 270 metres does not reflect the 400 metres recommended by Environmental Health.
- ii. The existing buildings used for pigs are not shown.
- iii. The noise assessment was based on a different farm.

## **5.0 OBSERVATIONS**

5.1 The main issues are (i) design, in particular whether the proposed building is suitable for the agricultural purpose; (ii) the effect of the development on the open character of the rural surroundings; (iii) the amenities of nearby residential occupiers; and (iv) any highway safety concerns.

5.2 The building is a shed-like design typical of modern agricultural buildings and with the green colour coating material is appropriate in design to the purpose. In terms of its effect on the surroundings, the proposed position is relatively close to the highway, and would be seen on approach and in passing. However, due to its relatively modest height, its green colouring, and the scope to provide new planting to help screen the building and support the local landscape, the building would not be unacceptably obtrusive. The current

proposed location is detached from the main group of buildings, but would be sufficiently close to be perceived as part of the same unit, particularly taking into account that it would mainly be viewed from passing traffic, travelling at speed.

- 5.3 In terms of residential amenity, the main issue is whether the development can satisfy the relevant requirements in relation to noise, smell and flies and the views of Environmental Health Officers on these issues are that in its present location and taking into account the proposed scheme of management including ventilation and collection of slurry, it is acceptable. The location, as amended, is over 250 metres north of the nearest non-connected properties and the predominant south-west winds would tend to disperse any smell away from them. Taking into account all the above factors, the proposal is not considered to be unacceptably harmful to the amenities of neighbouring occupiers.
- 5.4 With regard to highway safety, the building would be serviced by the established access which also serves the existing farm and kennel and cattery business and after taking into account the likely traffic movements, the Highway Agency does not object.
- 5.5 With regard to the concerns of neighbours, issues of noise, smell and infestation relating to this development have subsequently been addressed to the satisfaction of the Environmental Health Officer, as discussed above. 400 metres is referred to as the only acceptable distance with regard to neighbour amenity, however whilst this is considered a 'safe' distance beyond which livestock buildings may be permitted development (subject to other criteria), it does not preclude that a lesser distance may be acceptable, depending on circumstances, and this proposal is considered one such, for the reasons given above.
- 5.6 With regard to other issues, in response to points raised in connection with the application as submitted, the applicant has noted that storage of manure adjacent to a domestic boundary is the responsibility of the farmer concerned (not the applicant) and whilst some is supplied by the applicant, other manure is brought in from other sources. With regard to flooding, the site is not within a Flood Zone and the applicant indicates that the probable explanation is the breaking of land drains when the domestic pond at Glebe House was constructed, and new land drains may help this issue.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 6362-2 and Location Plan received by Hambleton District Council on 21 August 2014 and 22 October 2014 unless otherwise approved in writing by the Local Planning Authority.
  3. 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.
  4. The development hereby approved shall not be used for livestock unless there is installed a system of ventilation by means of 8 Skove fans type CL600, or an

equivalent which the Local Planning Authority has approved in writing. The fans shall be operated and maintained in accordance with the manufacturer's instructions so long as the use continues, unless otherwise agreed in writing with the Local Planning Authority.

5. No waste arising from this development shall be spread on any field within 400 metres of protected dwellings.

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 CP17 and DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP16 and DP33.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policies CP1 and DP1.
5. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policies CP1 and DP1.

#### INFORMATIVES

1. With regard to condition 3, the proposed landscaping scheme should make provision for hedge planting along the frontage of the site, and for additional tree planting.
2. With regard to Condition 5, protected dwelling means a dwelling that is not within an agricultural unit.
3. Please note that without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours. The applicant should be aware that the granting of planning permission for this development will not provide a defence in the event that noise or odours arise at any time in the future and are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council is legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.

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