

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 28 January 2015

Dear Councillor

### NOTICE OF MEETING

Meeting                    **PLANNING COMMITTEE**  
Date                        **Thursday, 5 February 2015**  
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 on the following:  
Consultation Responses on the Rural Settlement Hierarchy Interim Policy Guidance Note;  
Size, Type and Tenure of New Homes – Draft Supplementary Planning Guidance; and  
Sustainable Development – Draft Supplementary Planning Guidance**

## **AGENDA**

### **Page No**

1. MINUTES  
To confirm the minutes of the meeting held on 8 January 2015 (P.23 - P.25), attached.  
1 - 2
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS  
Report of the Director of Environmental and Planning Services.  
Please note that plans are available to view on the Council's website through the Public Access facility.  
3 - 58
4. MATTERS OF URGENCY  
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

# Agenda Item 1

Minutes of the meeting of the PLANNING  
COMMITTEE held at 1.30 pm on Thursday, 8th  
January, 2015 at Council Chamber, Civic  
Centre, Stone Cross, Northallerton

---

## Present

Councillor D A Webster (in the Chair)

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

## P.23 **MINUTES**

### **THE DECISION:**

That the minutes of the meeting of the Committee held on 11 December 2014 (P.20 - P.22), previously circulated, be signed as a correct record.

## P.24 **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) 14/01228/FUL - 41 dwellings, access and associated landscaping for Taylor Wimpey (North Yorkshire) Ltd at Land to the south of 28 Bedale Road, Aiskew

PERMISSION GRANTED

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

(Matthew Slinger spoke objecting to the application.)

- (2) 14/00854/FUL - Construction of 8 dwellings for Daniel Gath Homes Ltd at Hutchinsons DIY and Stationery, Chapel Street, Easingwold

PERMISSION GRANTED

(The applicant's agent, Mark Newby, spoke in support of the application).

- (3) 12/01832/FUL - Alterations and extensions to existing dwelling to form 2 dwellings for Mrs S L Roughton at Cherry Tree House, Cherry Tree Avenue, Newton on Ouse

PERMISSION GRANTED

P.25

**UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT & MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North

**The subject of the decision:**

This item was considered with the permission of the Chairman to the matter being treated as urgent as the Committee had been given an undertaking at the last meeting of the Committee to receive a progress report.

**Alternative options considered:**

None.

**The reason for the decision:**

To receive an update on the current position and consider any future action deemed necessary.

**THE DECISION:**

That the current position be noted and the Committee asks officers to investigate the closure or diversion of the pedestrian crossing of the East Coast main line.

The meeting closed at 3.25 pm

---

Chairman of the Committee

# 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 5 February 2015. 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 5th February 2015**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	14/01581/FUL Mr A Cunningham Alne  Page no. 6	Demolition of existing agricultural building and construction of a dwelling to provide accommodation for site manager (resubmission of application 13/02380/FUL)  For: Mr Edward Gregory At: Woodlands, Forest Lane, Alne  RECOMMENDATION: GRANT
<b>2</b>	14/02378/FUL Mr J Howe Burneston  Page no. 17	Construction of detached dwelling  For: Mr A Barker At: Land adjacent to The Manor House Burneston  RECOMMENDATION: GRANT
<b>3</b>	14/02294/OUT Mrs H M Laws Husthwaite  Page no. 23	Outline application for development of 20 dwellinghouses  For: Mr R Taylor At: Land at rear of Sleepy Hollow, Husthwaite  RECOMMENDATION: GRANT
<b>4</b>	a) 14/02346/FUL & b) 14/02347/LBC Mr J Howe Scruton  Page no. 40 & 44	Extension to dwelling  For: Mr and Mrs Hall At: The Stables, Scruton  RECOMMENDATION Planning a): GRANT RECOMMENDATION Listed Building b): GRANT
<b>5</b>	14/02310/FUL Mr J Howe Scruton  Page no. 49	Construction of building for pig rearing unit  For: Mr J Webster At: Land west of Scruton Grange  RECOMMENDATION: GRANT
<b>6</b>	14/02363/FUL Mr A Cunningham Sessay  Page no. 56	Two storey and single storey extension to dwelling  For: Mr & Mrs D Sanderson At: Bruce House, Scaife Shay Lane, Sessay  RECOMMENDATION: GRANT

**Parish: Alne**  
Ward: Tollerton

Committee Date: 5 February 2015  
Officer dealing: Mr A J Cunningham  
Target Date: 24 September 2014

**1**

**14/01581/FUL**

**Demolition of existing agricultural building and construction of a dwelling to provide accommodation for site manager at Agricultural Buildings at rear of Woodlands, Forest Lane, Alne, North Yorkshire for Mr & Mrs Edward Gregory**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application seeks planning consent for the demolition of an agricultural building and the construction of a dwelling to provide accommodation for a site manager. This was previously refused as part of 12/02495/FUL in 2013. It then formed part of application 13/02380/FUL, which the Committee resolved refuse but which was subsequently withdrawn. The dwelling's design and access remain unchanged. The applicants have provided additional information in support of the principle of the dwelling on site, particularly in regard to the issue of oxygenation, which was not before the Council when considering applications 12/02495/FUL and 13/02380/FUL.

1.2 The site is positioned approximately 95m to the south of Forest Lane and the proposed dwelling would be close to the western boundary of the premises, abutting agricultural land beyond. It would front the fishing lakes, which would lie to the south and east. The existing bungalow, Woodlands, is in separate ownership from the fishing lakes and is therefore not available to the applicants. The circumstances surrounding its severance are explained later in this report.

1.3 The proposal is for a 3 bedroom dwelling measuring approximately 13.8m x 7.6m, with a total height of approximately 8.4m. The structure would be constructed of a clay pantile roof above brick walls, with UPVC windows and doors, and would be positioned to the north and west of the lakes.

1.4 Parking for two vehicles would be provided to the north of the dwelling. Access from the public highway to the north would be via a track formed of interlocking brick pavers which would pass to the western boundary of Woodlands.

1.5 The applicants propose to retain the existing vegetation to the eastern boundary of their proposed domestic curtilage and to erect a timber fence to the southern boundary.

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

2.1 2/03/006/0193A - Change of use of existing pond from private to public fishing; Granted 2003.

2.2 05/01827/FUL - Construction of a cafe and siting of portable toilets at existing fishing ponds; Refused 2005.

2.4 06/00403/FUL - Revised application for the construction of a cafe and siting of portable toilets at existing fishing ponds; Granted 2006.

2.5 11/01745/FUL - Formation of 3 ponds and additional car parking; Granted 2011.

2.6 12/02495/FUL - Demolition of existing agricultural building and construction of a dwelling; Refused 2013 for the following reasons:

1. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. The application site is not located within an existing sustainable settlement nor has an exceptional circumstance been demonstrated and the development is, consequently, contrary to these policies. Additionally the development proposal has not identified an essential need in the terms of the National Planning Policy Framework.

2. The proposal fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

2.7 13/02380/FUL - Revised application for demolition of existing agricultural building and construction of a dwelling; withdrawn following Committee Resolution to refuse permission for the following reasons:

1. The proposed development is contrary to Hambleton Local Development Framework policies CP1 and CP4 in that it has failed to demonstrate that there is an essential requirement in terms of the functional needs of the fishing enterprise for the proposed residential unit to be located in this isolated location outside of Development Limits. The proposal is also contrary to the National Planning Policy Framework paragraph 55 and it has not been demonstrated that there is an essential need for a rural worker to live permanently on site in this countryside location.

2. The scheme fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

### **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 CP19 - Recreational facilities and amenity open space  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP25 - Rural employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP42 - Hazardous and environmentally sensitive operations  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Alne Parish Council; expired 27.08.2014 - No responses received as at 21.01.15.

4.2 NYCC Highways - Conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays and precautions to prevent mud on the highway.

4.3 Yorkshire Water - Water Supply: A water supply can be provided under the terms of the Water Industry Act, 1991. Waste Water: This proposal is in an area not served by the public sewerage network, 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 - Recommends conditions regarding noise and the proximity of the dwelling to the adjacent landfill site.

4.5 Environment Agency - Not consulted on this scheme. Response from 13/02380/FUL: We note that a non-mains drainage system is proposed. As our records show that the water environment is of a low sensitivity, we have no specific comments about this development. You should, however, ensure that the proposal complies with the foul drainage hierarchy.

4.5 Neighbours notified and site notice posted; expired 03.09.2014 - One response received in support of the proposal. Provided comment on the events that take place at Woodlands Fishing Lakes and the benefits to the local area.

## **5.0 OBSERVATIONS**

5.1 The main planning issues to take into account when considering this application relate to the principle of a residential unit in this isolated location, where NPPF and LDF policies require there to be an essential need for a dwelling in order to be acceptable. The other planning issues are any impact on the visual amenity of the surrounding area, 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 facilities.

### **5.2 Local and National Policy**

5.2.1 Policy CP4 of the Hambleton Local Development Framework (LDF) directs the location of development outside of settlement limits and states that development will only be supported in these locations when an exceptional case can be made for the proposals in terms of policies CP1 and CP2 of the LDF and where (as relevant) it is necessary to meet the needs of recreation or tourism with an essential requirement to locate in the countryside and will help to support a sustainable rural economy. Policies CP1 and CP2 refer to sustainable development and minimising the need to travel.

5.2.2 The National Planning Policy Framework (NPPF) sets the tests for isolated dwellings in the countryside at paragraph 55. This promotes sustainable development in rural areas, where housing should be located to enhance or maintain the vitality of rural communities. The policy stance also requires that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at their place of work in the countryside.

5.3 The agent has cited the following reasons to justify this essential need:

- Maintaining oxygen levels
- Security
- Night Fishing, Televised Match Fishing and Fish-O-Mania

- Breeding
- General management
- Access to dwellings in locality
- To ensure the growth of the business and its contribution to local economy

#### 5.4 Oxygen Levels

5.4.1 Oxygen levels within fishing lakes can fluctuate in certain weather conditions and if not controlled can lead to suffocation of the fish, which can threaten the viability of the business. Without being monitored the applicant advises that in the worst case scenario this could lead to the loss of the entire fish stock. Oxygen levels can fluctuate in adverse weather conditions and rapid and unforeseen changes in the living environment of the fish can lead to their premature death. The applicant argues that their remote location and the time taken to respond to a change in oxygen level could be costly in terms of ensuring the safety of the fish. The applicant also advises that there are no systems available that allow oxygen levels to be monitored remotely and that even if there were to be in future an on-site presence would be crucial to check that these remote systems were working correctly. The Council has asked why the maintenance of oxygen levels cannot be dealt with by a duty manager. The applicant cites the severing of the business from Woodlands (the occupant of which used to oversee oxygen levels) as the catalyst for the applicant to assume this role. The applicant explains that they travel from their home in Easingwold during the night to oversee oxygen levels. Oxygen levels are checked visually by establishing the behaviour of the fish and by the use of specific apparatus. The applicant has supplied details of how in July and September 2014 oxygen level fluctuations meant that a significant on-site presence was required.

5.4.2. The applicants have referred to five appeal decisions in their additional supporting statement of 15 January 2015 which in their view conclude that the issue of oxygen levels alone demonstrates a functional requirement for permanent manager's accommodation on site. The agent for the applicant has cited a 2009 appeal decision from Nottinghamshire (APP/X3025/A/08/2084072) which lent support on oxygen grounds to a similar proposal with half the number of fishing points (pegs) than there will be at Forest Lane Fisheries when the previously approved ponds have been completed. The context of this appeal decision adds significant weight to the applicants' claims that the issue of oxygenation contributes to the need for an on-site presence. In their supporting statement initially submitted with this application the applicants made reference to 2008 appeal decision APP/L2630/A/07/2054499, for a site in Norfolk, which related to an enterprise that comprised three lakes and 2 ponds and was 3.36 hectares. The Inspector concluded that "I am thus persuaded that, while emergency situations are relatively rare, the scale of the enterprise at Fen Lakes justifies the presence of a full-time worker to provide the necessary husbandry required at such times". Forest Lane Fishing Lakes comprises 4 lakes and 3 ponds and extends to approximately 5.5 hectares in size. Again this decision adds weight to the applicant's proposal. Paragraphs 6.11-6.14 of the applicants' supporting statement have provided details of how oxygen levels are monitored, as have further supporting statements provided by the applicants' agent.

5.4.3 In the intervening period of the applicant's former business partner severing their links with the enterprise (this has occurred since 2011) and the submission of this scheme the applicant has maintained oxygen levels by making trips to the site during the day and night. The key issue here is the evidence of the regularity that this has occurred, how often oxygen levels have fluctuated and how the trips to the site during the night have prevented the collapse of the oxygen levels. The applicants have focused in on the issue of oxygenation as part of this scheme given Member's focus on the importance of this issue. The applicants have confirmed that they have not maintained a record of oxygenation events prior to the submission of this current application however they have made a record of incidents that have occurred following their meeting with the case officer in May 2014 to date. The applicant has appended correspondence from the Fisheries Technical Officer at

the Environment Agency which has summarised incidents prior to the applicants' record of events and most recently in September 2014. It is clear that mild weather during July and September 2014 significantly intensified the need for an on-site presence resulting in the applicants or their family being on-site constantly. The need for an on-site presence was also intensified by cold weather in the preceding November and February. The applicants' original supporting statement at paragraph 6.25 makes reference to the demands on them of the summer of 2013. It is regrettable that the applicants have been unable to keep a specific record of daily events and oxygenation incidents to show a very specific worsening of matters in recent times however their supporting statements along with the correspondence from the Environment Agency successfully demonstrate that the growth of the enterprise in the last 2-3 years, and the extreme weather occurrences have placed demands on the applicants and their family that means that for at least 5 months of the year an on-site presence is significantly intensified. Full weight can be afforded to this issue and it is clear that an on-site presence would overcome existing operational efficiencies.

5.4.4 The procedure for monitoring and rectifying oxygen levels has been explained in a sufficient level of detail in the applicants' supporting statements. It is clear that when an incident occurs it is not easily dealt with by one individual.

5.4.5 It is clear that a manager's ancillary accommodation as opposed to a dwelling for a site manager is not appropriate given the labour requirements involved to monitor oxygen levels and deal with incidents of de-oxygenation, but it is recognised that this is limited to specific months of the year dependent on climatic conditions.

## 5.5 Security

5.5.1 The applicants consider that the fishing lakes are currently vulnerable to incidents of theft and vandalism and although there are no recorded incidents of theft, the applicants advise that they have occurred. Remote monitoring could be installed but the applicants consider that this would not allow for a rapid response should an incident occur. The applicants have highlighted the value of the machinery on-site and the fish stock. They advise that the lakes are densely populated and contain ornamental species which makes them very valuable. The applicants have also advised that theft by anglers has occurred in the past. Woodlands is also not considered by the applicants to provide a security deterrent given its position on site and its severance from the business. The applicants advise that they have proposed the dwelling to be positioned mid-way into the site to ensure a clear view of all the ponds, to deter potential intruders. It is recognised that the fish stocks are high value and that an on-site presence by an individual associated with the fishing lakes would improve the security of the site, however no appraisal of measures to safeguard the site has been undertaken to assess the effectiveness of alternatives to an on-site residential presence.

## 5.6 Night Fishing, Televised Match Fishing and Fish-O-Mania

5.6.1 The applicants are keen to pursue night fishing on site but cannot do so in their opinion without a permanent on-site presence to allow them to minimise potential risks to anglers, managing the arrival and departure of anglers, protect the security of assets and facilities on site. A list of support from existing anglers was provided to the Council to show the support for the venture as part of the previous application. The applicants also wish to run televised match fishing and Fish-O-Mania but feels that they cannot run the business as efficiently as possible without an on-site presence. Fish-O-Mania is an annual national and international fishing competition. These activities demonstrate the aspirations the applicants have for the site and how the current arrangements limit these. The applicants have confirmed that they are fully booked for Wednesdays, Saturdays and Sundays for all of 2015 and the lake known as The Don is now fully booked for Saturdays and Sundays in 2016.

## 5.7 Breeding

5.7.1 The applicants currently undertake fish breeding on an annual basis to ensure sustainable growth of the fish stock and to allow replacement of any stock that is lost. This intensifies the need for an on-site presence particularly in the month of June. The process is particularly time consuming and requires the brood stock to be separated from the existing stock and introducing them to small stock ponds during the breeding season. Once the fish have bred the brood stock again need to be separated to ensure that they do not eat the eggs. The breeding season can last up to 3 months. The applicants have provided details of how the breeding of fish is undertaken particularly the daily activities involved. It is recognised that this labour intensive and involves attending to the fishing lakes during the very early morning to reduce the potential loss of spawn. This would not generate an essential need to have a permanent residence on site in its own right but it can be combined with other factors in support of the proposal.

## 5.8 General Management

5.8.1 The applicants have provided a breakdown of the manager's duties and tasks in addition to those mentioned above as part of the previous submission. These remain unchanged and are as follows:

- The applicants visit the site every day to open up the site and prepare the lakes for the days fishing, whether that be match fishing or casual. Only nets owned by the applicants are allowed on site in order to ensure disease does not spread amongst the stock and these need to be ready for use when visitors arrive.
- During match days the applicants have to be present on site to run the 'weigh-in' which involves weighing the fish that have been caught in each participant's net and ensuring that they are adequately cared for;
- There are usually 5 matches a week and the process of overseeing such events is particularly time-consuming. The new lakes that will be opening in the future will only exacerbate the issue as at present the applicants can make up to six journeys to the site per day when they are not required to be on site when anglers are fishing;
- In addition, the applicants need to be present on site to manage and arrange deliveries to the site and then to undertake the numerous maintenance tasks that arise from such deliveries. These include the delivery of fish food, stone for the paths and timber for fishing platforms;
- The fish need to be fed twice daily
- Maintain the welfare of the fish, particularly from predators such as rats, crows and seagulls

5.8.2 The applicants have also outlined the duties of another family member who would be resident in the proposed dwelling to demonstrate their level of involvement and why basic manager's accommodation would be insufficient. Mrs Gregory collects ticket money of both pleasure anglers and on match days, manages the cafe, takes and manages bookings, undertakes administration work such as collation of match day results and submission to the league, purchases supplies and re-stocks the cafe, and assists in 'weighing in' on match days along with taking delivery of fish food and general on-site maintenance. Her son assists with various duties around the site but has a full time job elsewhere. Mrs Gregory also assists with instances where there is a need to address oxygen levels.

## 5.9 Access to other dwellings in immediate locality

5.9.1 In their supporting statement of 14 March 2014 the agent for the applicants has described the past and present relationship of Woodlands to the fishing enterprise. The applicants highlight that the bungalow has never been tied to the fishing lakes by planning condition and as such has never been official manager's accommodation. The applicants advise that the bungalow was originally built and occupied by the owner of the York Handmade Brick Company which is situated near to the site. When he vacated the property it was purchased by the company's works manager who was the applicant's former business partner. The Forest Lane fishing lakes were initially constructed by the applicants' former business partner to accommodate fish being transferred from a lake which was to be removed from the brick company site. The applicants invested in the business to bring it to its level of growth visible today. The occupant of Woodlands still has links to the brick company but has severed links with the fishing lakes and the applicants have become the sole owner. The applicants' agent states that "the applicants do not and have never owned or partially owned the [existing dwelling]". It is evident that Woodlands cannot be considered as potentially available to serve as manager's accommodation given that it has never been tied by planning condition to the enterprise, and is currently occupied and owned by an independent user.

5.9.2 The availability of other dwellings in the immediate locality is a point which is a material consideration in determining the principle of a permanent residential presence on site for a site manager. A search via a national estate agency website as identified two properties which are available at Alne Station, Forest Lane, Alne. By car this would be approximately 0.9 miles and 2 minutes from Forest Lane Fisheries. Notwithstanding this the applicants have maintained the importance of an on-site presence for the reasons set out elsewhere in this report.

## 5.10 To ensure the growth of the business and its contribution to local economy

5.10.1. The applicants' accountant has as part of their previous application verified their expansion plans for the next few years and stated that "we are quite satisfied they will be trading profitably for years to come, and their business will be on a sound financial footing". Letters of support for the enterprise were received from two businesses in the locality as part of the previous application. The applicants' most recent supporting statement received on 15 January 2015 has listed specific businesses who currently and will benefit from the proposed scheme and growth of the fisheries in future years. The business clearly provides support to the local economy in a sustainable manner.

## 5.11 Conclusion on the principle of a dwelling

5.11.1 The NPPF requires an essential need to be demonstrated for new homes in the countryside and requires that housing maintains or enhances the vitality of rural communities. Similarly, local policy requires an exceptional case to be demonstrated as part of essential requirement to locate in the countryside which also supports a sustainable rural economy. The evidence provided regarding the maintenance of oxygen levels successfully demonstrates an essential need and requirement for an on-site residential presence at certain times of the year. The remaining issues relating to Security, Night Fishing, Televised Match Fishing and Fish-O-Mania, Breeding, General management, Severing of business from dwelling known as Woodlands add weight to the essential need or requirement for an on-site presence but in their own right would not justify a permanent residential presence. Considering these factors in view of the cited appeal decisions it is concluded that the essential need and requirement for an on-site residential presence exists and would constitute sustainable development given it's very close association with the fishing lakes, and would promote the more efficient operation of the enterprise. It has been successfully demonstrated why this could not be overcome through the provision of non-residential manager's accommodation. The fishing enterprise is in an interim phase where there are

great aspirations for expansion which is being inhibited by the operational demands associated with its growth. A permanent on-site residential presence addresses the operational issues cited and the principle of the permanent dwelling for a site manager is acceptable.

#### 5.12 Visual amenity

5.12.1 The design of the proposed building is attractive and would not look out of place when compared to architecture in the locality. Clear views of the structure could be had from Forest Lane to the west, when looking to the south-east, given the fragmented boundary treatment. These views would however be on the backdrop of the vegetation surrounding the fishing lakes and the land form of the waste transfer site to the east. Consequently it is not considered that the scheme would harm the visual amenity of the surrounding landscape.

#### 5.13 Neighbour amenity

5.13.1 The proposed dwelling would be sufficiently separated from the domestic curtilage to the existing dwelling at Woodlands, and properties in the immediate vicinity. The proposed dwelling is closely related to the adjacent fishing lakes. Taking into account the complimentary function of the structure with the operation of lakes claimed by the applicants, the recommendations of the Environmental Health Officer and its positioning on site an adverse impact on neighbour amenity is not considered to arise subject to a condition restricting the occupation of the proposed dwelling.

#### 5.14 Highway safety

5.14.1 NYCC Highways has appraised the proposed scheme and not raised objection to the proposal. The scheme would not be prejudicial to highway safety.

#### 5.15 Open Space, Sport and Recreation Contribution

5.15 A ministerial statement was issued on 28 November 2014 that has removed the obligation from developers to include affordable housing and make tariff-style contributions on housing developments of 10 units or less. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing.

5.16 Accordingly a contribution towards the provision or upgrade of public open space in the locality can no longer be requested.

### **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 29 July 2014, 23 October 2014, 7 November 2014, 28 November 2014 and 15 January 2015 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 dwelling hereby approved shall not be occupied other than in accordance with the operation of a fishery business at Forest Lane Fisheries, Forest Lane, Alne, North Yorkshire.

5. No development shall be commenced until an assessment of the risks posed by ground gas has been submitted to and approved by the Local Planning Authority. A scheme showing the gas protection measures required to mitigate any risks to the development shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved gas protection measures have been implemented and validated and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

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

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. 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.

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

ii)(b) The existing access shall be improved by construction in accordance with Standard Detail number E9.

(iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the public highway.

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

11. 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 160 metres measured along both channel lines of the major road Forest Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

12. 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.

13. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

14. 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 13 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.

15. 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.

16. 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.

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 only acceptable having regard to paragraph 55 of the National Planning Policy Framework and policy CP4 of the Hambleton Local Development Framework Core Strategy on the basis of the essential need demonstrated by the fishery business.

5. In the interests of the amenities of occupiers of the dwelling hereby approved.

6. In the interest of satisfactory drainage and to avoid pollution of the water environment.

7. In the interest of satisfactory drainage and to avoid pollution of the water

environment.

8. In the interest of satisfactory drainage and to avoid pollution of the water environment.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In the interests of road safety.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To ensure that the development is appropriate to the character and appearance of its surroundings.
14. To ensure that the development is appropriate to the character and appearance of its surroundings.
15. 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.
16. 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 DP33.

**Parish: Burneston**  
Ward: Leeming

Committee Date: 5 February 2015  
Officer dealing: Mr J Howe  
Target Date: 22 January 2015

## **2**

**14/02378/FUL**

**Construction of a dwelling and detached garage as amended by plans received by Hambleton District Council on 9th January 2015 & 20th January 2015.  
at Manor House Burneston North Yorkshire DL8 2HT  
for Mr A Barker**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application is for the construction of a detached four-bedroomed dwelling and detached double garage (to the rear) on the eastern side of the village street within the Conservation Area in the centre of Burneston. The application site is currently part of the substantial curtilage of The Manor House which lies immediately to the south. A single storey part of The Manor House is to be demolished to allow construction of the proposed new dwelling. A detached former chapel lies immediately to the north (in a separate ownership) which was converted to use as a holiday letting unit in 2011. The site is well landscaped with trees and shrubs. Some shrubs will be removed but the mature trees, with the exception of a conifer within the site, will remain.

1.2 Following discussions with the applicant subsequent to the submission of the application, amendments have been agreed to simplify the appearance of the dwelling and reduce it in scale in order to better reflect the appearance and character of the street-scene within the Conservation Area and safeguard the amenity of adjacent occupiers/users.

1.3 The applicant has stated in support of the application that : "The proposal is for a double fronted 2 storey house to replicate The Manor House building with vertical emphasis for the fenestration. The size of the dwelling is governed by the width of the site and in order to have access to a garage at the rear of the plot. A 3m drive is to be constructed to the sides by the former Chapel and a 2m space kept between the new house and Manor House. This will leave sufficient space between the existing dwellings and will not result in a cramped appearance from the street-scene. To break up the rectangular shape of the new dwelling a front porch and a rear extension are proposed."

1.4 The front elevation of the dwelling will be in line with the two adjacent buildings. It is proposed that the external materials would be render with stone dressings, which is a typical feature of this part of the village, with natural slate to the pitched roofs and white upvc windows as per adjacent properties. The double garage to the rear will be constructed in similar materials.

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

2.1 There have been previous applications for works to trees within the site curtilage (the site being within the Burneston Conservation Area) but no planning applications for other development.

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

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

Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Burneston Parish Council: No objections in principle, materials should be compatible with adjacent properties. Comments on amended plan awaited.
- 4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.
- 4.3 Yorkshire Water: No comments.
- 4.4 Environmental Health Officer: No objections.
- 4.5 The application was advertised by site notice at the front of the site and the 16 closest neighbours were consulted. No representations were received.

#### **5.0 OBSERVATIONS**

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policy CP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on the appearance and character of the surrounding Burneston Conservation Area (Policies CP16 and DP28) and adjacent residential amenity (Policy DP1).
- 5.2 The provision of a financial contribution in respect of the provision/improvement of public open space and recreational facilities would, at the time of the submission of this application, have been required by Policy DP37/the POS SPD. However, a ministerial statement was issued on 28 November 2014 that has removed the obligation from developers to make contributions on housing developments of 5 units or less within specially designated rural areas (which would include the parish of Burneston). The changes, which came into effect from 28 November 2014, introduced a threshold beneath which tariff style contributions should not be sought. In this case a contribution of £4400 would have been sought towards the provision/improvement of recreational facilities or public open space. Such contributions can no longer be requested for a single dwelling as in this case.
- 5.3 The site is entirely within the defined development limits of Burneston which is designated within Policy CP4 as a Secondary Village, having a modest range of local facilities and services (including a Primary School, pub serving food, church and village hall) appropriate to accommodate a limited amount of additional residential development. The site is, consequently, a sustainable location in local and national policy terms, thereby according with the relevant national and local planning policy.
- 5.4 It has been noted above that the proposed dwelling is of traditional form and design and is to be constructed in materials which are typical of this part of the Burneston Conservation Area. The spacing and relationship to the adjacent dwellings is such that there will be no demonstrable adverse impact on adjacent amenity or privacy. There are no openings on the facing elevations of the adjacent dwellings and none in the new dwelling facing towards the Manor House. There is a first floor window facing towards the former

Chapel which it is recommended be fitted with translucent glazing. It is therefore considered that the development would not have an adverse impact on the character and appearance of the streetscene, the amenity of the neighbouring properties or the character and appearance of the conservation area.

## **6.0 CONCLUSION**

6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scheme provides an acceptably designed dwelling within a sustainable location with no adverse impact on the appearance or character of the surrounding Conservation Area or adjacent residential amenity.

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

## **7.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundwork's, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - a. The details of the access shall have been approved in writing by the Local Planning Authority.
  - b. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6.
  - c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - d. That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
  - e. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the village street (ie the B6285) from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.5 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundwork's, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building or other works until the details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority:

a) Relocation of the lighting column at the entrance to the proposed site.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundwork's, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

a. vehicular, cycle, and pedestrian accesses

b. vehicular and cycle parking

c. vehicular turning arrangements

d. manoeuvring arrangements

e. loading and unloading arrangements.

7. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. 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.

11. The development shall not be commenced until details relating to boundary walls, fences and any other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

12. The dwelling shall not 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 11 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.

13. The first floor window on the northern elevation shall be fitted with translucent glazing in accordance with a scheme to be submitted for the written approval of the Local Planning Authority. The glazing shall, upon approval remain at all times unless otherwise agreed in writing.

14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref ..... ) attached to planning application 14/02378/FUL received by Hambleton District Council on 20th November 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In the interests of highway safety.

3. In accordance with the policy and to ensure a satisfactory means of access to the site from the public highway.

4. In the interests of road safety.

5. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

6. In the interests of highway safety and the general amenity of the development.

7. In order to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

8. In order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. To ensure that the external appearance of the development is compatible with the Conservation Area surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policies CP16 and DP28.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its Conservation Area surroundings.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its Conservation Area surroundings.
13. In the interest of the amenity and privacy of adjacent occupiers in accordance with Policy DP1.
14. 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, DP28 and DP1.

**Parish:** Husthwaite  
**Ward:** Whitehorse

**Committee Date:** 5 February 2015  
**Officer dealing:** Mrs Helen Laws  
**Target Date:** 10 February 2015

**3**

**14/02294/OUT**

**Outline application for change of use of agricultural land for 20 dwelling houses for Mr R Taylor at land at the rear of Sleepy Hollow, Husthwaite, YO61 4PX**

### **1.0 PROPOSAL & SITE DESCRIPTION**

- 1.1. This outline planning application seeks permission for the change of use of agricultural land at the rear of Sleepy Hollow (and south of Prospect Cottages), Husthwaite for 20 dwellings. With the exception of access, all matters are reserved for a later stage of approval (i.e. appearance, layout, scale and landscaping).
- 1.2. On that basis the only plan submitted with the proposal is a 'red line' plan which shows the extent of the site boundary. However, the application was submitted with the following written documents:
  - A Planning Statement prepared by K Baker Design & Development Ltd
  - A Design and Access Statement by K Baker Design & Development Ltd
  - A Highways Statement prepared by Bryan G Hall Consulting
  - An Affordable Housing Statement prepared by K Baker Design & Development Ltd
  - A Statement of Community Involvement prepared by K Baker Design & Development Ltd
  - A Flood Risk Assessment prepared by Alan Wood and Partners
  - An Ecological Assessment prepared by MAB Environment & Ecology Ltd
  - A Preliminary Assessment of Land Contamination completed by K Baker Design & Development Ltd
  - A Draft Section 106 Agreement in relation to Affordable Housing Provision
- 1.3. No confirmation of the type and size of the houses has been submitted although the applicant has noted the Council's needs for affordable dwellings and some bungalows. The proposal therefore includes affordable housing at 50% of the total achieved on the site (i.e. 10 dwellings max based on a 20 dwelling threshold). It is anticipated that each dwelling would have on-site car parking, however, this is not confirmed but there is an expectation that parking at reserved matters stage will be in accordance with the Council's standards.
- 1.4. With regards to the site, the current land use is agricultural grazing land, it contains one agricultural building, a barn, towards the north side of the plot while the site itself lies on the east side of the settlement of Husthwaite within the Development Limits, although outside of the Conservation Area. While the landform is not steep, it rises from north to south and west to east. The topography is consistent with surrounding areas. The site extends to approximately 0.6ha in area.
- 1.5. Access to the site is currently from an adopted 5.5m wide road known as Prospect Cottages and while the landowner also owns adjacent fields, Prospect Cottages is the only highway access to the land.
- 1.6. Prospect Cottages also provides access to 18 existing dwellings and while those properties have driveways on-street parking is also evident. This can in effect narrow

the road from two lanes to one in parts. The junction of Prospect Cottages and High Street to the north of the land has a wide visibility splay and a 30mph speed restriction.

- 1.7. To the south and west of the site there is open farmland with ribbon development beyond and to the east. Husthwaite generally is a compact village with tightly defined Development Limits and only recently included the subject site within that boundary. However, the village has expanded over the last 50 years, as identified on the maps included within the applicant's Design and Access Statement, particularly on the south and east sides and this is evident within the village by virtue of the change in building styles and materials.
- 1.8. The village is an attractive settlement but has been developed with a varying degree of styles and design over the years and therefore has no single built form period; however, in terms of prevailing features there is a predominance of two storey scale, red face brick and for the most part brown and terracotta pantile roofing. However, the properties in closest proximity to the site are a mix of bungalows and two-storey houses with design principles from the 1970s.
- 1.9. As identified in Section 2.0 below, the site is allocated for housing development within the Local Development Framework for up to 20 dwellings.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

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

EH5 South of Prospect Cottages, Husthwaite (0.65ha)

This site is allocated for housing, for release in Phase 2 (2016 – 2021) subject to:

- i. Development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 20 dwellings (of which a target of 50% should be affordable);
- ii. Housing types meeting the latest evidence of local needs;
- iii. Contributions from the developer towards providing a village play area;
- iv. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
- v. Landscaping to the east of the site;
- vi. Design and layout of the site to provide for further possible further development to the south west of the site.

- 2.2 In 2007 the site (along with 7 others in Husthwaite) was considered at the "Preferred Options" stage of the Local Development Framework process and was the only one of the eight to be recommended as an Allocation Site. Of the various option sites considered this site was also the first choice of the Parish Council. The development of this site for up to 20 dwellings therefore has in principle policy support.

- 2.3 The site has no other planning history.

## **3.0 POLICY CONTEXT**

- 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 and how these are expected to be applied. Associated guidance in the National Planning Practice Guidance is published online.

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development  
CP2 - Access  
CP3 - Community Assets  
CP4 - Settlement hierarchy  
CP5 - The scale of new housing  
CP5a - The scale of new housing by sub-area  
CP6 - Distribution of housing  
CP7 - Phasing of housing  
CP8 - Type, size and tenure of housing  
CP9 - Affordable housing  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 - Promoting high quality design  
CP18 - Prudent use of natural resources  
CP19 - Recreational facilities and amenity open space  
CP20 - Design and reduction of crime  
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity  
DP2 - Securing developer contributions  
DP3 - Site accessibility  
DP4 - Access for all  
DP6 - Utilities and infrastructure  
DP8 - Development Limits  
DP13 - Achieving and maintaining the right mix of housing  
DP15 - Promoting and maintaining affordable housing  
DP28 - Conservation  
DP29 - Archaeology  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP32 - General design  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP37 - Open space, sport and recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EH5 – South of Prospect Cottages, Hushwaite (0.65ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan  
Sustainable Communities Strategy  
Statement of Community Involvement  
Affordable Housing SPD

## **4.0 CONSULTATIONS**

### **Highway Authority**

- 4.1 Several conditions were recommended and these are noted below.
- 4.2 In response to an objection letter concerning road safety the Highway Authority further advised that the site was assessed some years ago as part of the LDP Allocation and the access road (Prospect Cottages) was considered adequate. The site was again looked at earlier in 2014 as part of the pre-application correspondence and the Highway Officer advised that he had no concerns about the suitability of the access road because the visibility available from the access road along High Street exceeds requirements defined in 'Manual for Streets' in both directions.
- 4.3 He also looked at the accident history for the area and advised that there have been no recorded accidents at the junction nor in the vicinity of the site in the last 5 years. There have also been no reports of excess speeding in the area and, usually where there is significant on-street parking, speeds are generally low as a result. The access road does rise from the junction and is not gritted in winter but High Street is on a gritting route. However, there is a grit bin provided as the junction for residents' use as required.

### **NYCC Education**

- 4.4 The outline proposal was not referred to NYCC Education because they had already provided advice at the pre-application stage for the same proposal in August 2014. Their advice was that based on the current proposals no developer contribution would be sought. They provided evidence that the local Husthwaite Church of England Voluntary Controlled Primary School has a net capacity of 105 children and that as of May 2014 only 63 pupils were on the roll, therefore a surplus of places is available.

### **Yorkshire Water Services**

- 4.5 No comment.

### **Environmental Health Officer**

- 4.6 The application for the development of 20 dwellings on agricultural land has the potential for contamination to adversely affect the end user and therefore I would recommend a condition to deal with any contamination should permission be granted.

### **North Yorkshire Police Architectural Liaison Unit**

- 4.7 The Police Designing Out Crime Officer has advised that there is no objection to this application in principle, however, a proper assessment cannot be provided until reserved matters plans are submitted. Notwithstanding, the following comments are proffered at the outline stage.
- 4.8 At the reserved matters stage the applicant should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe sustainable places set out in Safer Places – the Planning System and Crime Prevention (ODPM/Home Office 2003).
- 4.9 Section 2.11 of the submitted Design and Access Statement states that *“a footpath runs from the High Street into Prospect Cottages which will be extended and serve*

*the new allocated development site. This will provide safe and central access to all facilities within the village.”* It is not felt that the extension of this footpath is necessary as it increases the permeability of the proposed development and there is a reasonably convenient alternative route provided by the main access road into the site. Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and antisocial behaviour.

- 4.10 All external elevations, where there are doors or windows at ground floor level, should be fitted with vandal resistant security lighting, operated by a photocell sensor and fitted to a height at least 2.4m or at a height that makes them not easily accessible. It is recommended that any street lighting be to BS 5489.
- 4.11 All utility metres should be external at the front of the property. This removes the need for access into the property to read them and therefore reduces the likelihood of bogus caller/distraction type burglaries.
- 4.12 Should outline planning permission be granted I would ask the LPA to require full details of what crime prevention measures are to be incorporated into the site, which should follow the principles of ‘Crime Prevention Through Environmental Design, which is included in the Government’s Guidance document entitled ‘Safer Places’.

#### **Housing Officer**

- 4.13 Husthwaite 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 proposal of EH5 allocated site on land off Prospect Cottages, Husthwaite, being the change of use from agricultural land to accommodate 20 dwellings, this would trigger a requirement of 10; the proposal is offering 10 affordable units for social rent.
- 4.14 Pre planning discussions have been held with the agents and 50% affordable housing has been offered and agreed, while the layout and size of properties has been discussed alongside the requirement for bungalows.
- 4.15 Housing would support the affordable housing on site contribution and the Rural Housing Enabler would undertake a parish housing need survey prior to the submission of a detailed planning application to evidence the specific house type and size required to meet local need.

#### **Network Rail**

- 4.16 No comment.

#### **Leisure Services**

- 4.17 In the most recent Public Open Space Action Plan for Husthwaite – the only project they have is the landscaping at the village hall which would fall into the public realm eligibility for POS monies. There are also public open space action plans in neighbouring parishes such as Raskelf, Sessay and Easingwold from where Husthwaite residents would benefit.

#### **Members of the public**

- 4.18 A total of 67 neighbours were notified by letter on 27<sup>th</sup> November 2014 and a site notice was posted. The expiry date for comments was 10 December 2014. To date the Council has received 28 objections and 1 letter in support, as long as there is affordable housing for local people as part of this scheme.

- 4.19 The objections relate to the following issues, which will be addressed in Section 5:
- The village does not need any more dwellings.
  - Too many dwellings.
  - The density and sketch layout would be out of character with rest of the village.
  - The rural unspoilt setting of the village will be destroyed.
  - Dangerous highway access, particularly in winter.
  - The proposal would generate too much traffic in the village.
  - Lack of employment facilities in the village to serve new residents.
  - The proposal provides no evidence of local need or demand.
  - The village school could not manage an increase in children from this development.
  - The village needs more affordable houses to buy not rent.
  - A future developer could so easily seek a renegotiation to reduce the affordable housing quota claiming financial viability problems.
  - The proposal is likely to produce off-site flooding.
  - The proposal will remove the countryside views from some nearby properties.
  - Residents will be negatively affected by construction noise.
  - There is bat and owl activity in the barn.

## 5.0 OBSERVATIONS

5.1 The principle of development is confirmed by the allocation of the site for housing in the Allocations Development Plan Document. Therefore the main planning issues to take into account when considering this application relate to the following:

- Affordable Housing Provision
- Impact on the Character, Appearance and Visual Amenity of the area
- Impact on Neighbour Amenity
- Highway Matters
- Impact on Protected Species
- Developer Contributions
- Sustainable Energy
- Contamination
- Community Engagement

### Affordable Housing Provision

- 5.2 Policy EH5 states a target of 50% provision of affordable housing, which the applicant is proposing.
- 5.3 The Council's Housing Policy Officer welcomes the provision of affordable housing but concludes that prior to the submission of a detailed planning application the Rural Housing Enabler would undertake a parish housing need survey to evidence the specific house type and size required to meet local need, although initial indications are that the site should include accommodation for older people, more specifically small (2 bedroom) bungalows for market sale.
- 5.4 The applicant has submitted a draft Section 106 Agreement in relation to securing the affordable housing contribution. The sizes and types of houses can be defined at the reserved matters stage.
- 5.5 This approach accords with Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing) which require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings, including appropriate provision for the needs of

elderly people. Furthermore, Policy DP13 also requires developers to work collaboratively with the Council, and also to take into account the view of other housing partners in determining the appropriate mix and type of housing and any local housing needs information, for example relating to elderly people or special needs.

- 5.6 In order to secure the suggested 50% affordable housing provision adequate provisions need to be put in place either via a Section 106 Agreement or planning conditions and to ensure that the affordable housing will meet local housing need.

#### Impact on the Character, Appearance and Visual Amenity of the area

- 5.7 There have been numerous objections to the proposal on character grounds, with objectors contending that the density and sketch layout would be out of character with the rest of the village and that the rural unspoilt setting of the village will be destroyed.
- 5.8 Given the outline form of the application, it would be premature to conclude that the proposal will be out of character, for no mix of house types or styles have been suggested, and no materials or intrinsic design features have been mooted. As noted in Section 1 above, it is acknowledged that the village is an attractive settlement (indeed most of it is a Conservation Area) but it has been developed with a varying degree of styles and design over the years and therefore has no single built form period. Furthermore, the properties in closest proximity to the site are a mix of bungalows and two storey houses with design principles from the 1970s, which also form part of the evolution of the village and which lie outside of the Conservation Area.
- 5.9 As a result, the character of the application site is different to the Conservation Area as firstly it is undeveloped and secondly it would be adjacent to more modern properties of lesser design merit. The development of the site as proposed is therefore unlikely to affect the setting of the Conservation Area and noting that the site can only be accessed from Prospect Cottages and would therefore be relatively isolated from the village's though roads it is unlikely that it would (regardless of the house design chosen) negatively affect the visual amenity of the wider area.
- 5.10 Furthermore, it must be recognised that Policy DP8 considers the location of the Development Limits and states that the location of the Development Limits will ensure that development within it will "*c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF; and d) meet the needs of the area, and can be accommodated within the capacity of the existing infrastructure*".
- 5.11 In any event, approval in outline form does not preclude appropriate consideration of these issues in depth at the reserved matters stage, such that any development of the site makes a positive contribution to the settlement in line with Policy DP32. This will allow appropriate consideration of density and house sizes and assessment against the wider village vernacular.

#### Impact on Neighbour Amenity

- 5.12 As per the comments noted in Section 5.3 regarding impact on the character of the area, given the outline form of the application, it cannot yet be determined that the proposal would adversely impact on neighbour amenity. Design details, such as plot shape and individual house siting, as well as window positions, are reserved matters. Visual bulk, overlooking and loss of privacy are therefore for consideration

at a later stage but it is likely that a suitable design could prevent such occurrences from affecting the amenity of neighbouring residents. Several objections have highlighted that the proposal will alter or remove countryside views from nearby properties, that residents will be affected by flooding and that residents will be affected by construction noise, however, only the concern over flooding is really valid from these concerns, it is inevitable that new development will affect views. However, given the fact that the site has been allocated since 2007 and thus a change on the site has been anticipated since that time, it is not feasible to refuse the proposal based on an objection relating to loss of outlook.

- 5.13 With regard to construction processes, there is no doubt that materials will need to be delivered to the site and spoil taken away, and that there will be noise during the building works; however, this is a temporary disruption for any community where development is planned and is unavoidable. That said the Control of Pollution Act 1974 and the Environmental Protection Act 1990 prescribe working hours, equipment or methods used for example, and Council has powers under those Acts to control noise and nuisance from building sites if required. On that basis, it is considered that the preliminary objections regarding construction impacts hold limited weight in the planning consideration, as the grant of planning permission does not negate the developer's requirement to accord with those other statutory mechanisms. Notwithstanding, a condition could be included on any permission granted seeking the submission and approval of a Construction Management Plan.
- 5.14 The issue of flooding remains a valid concern although the site and immediate surrounds are located in a low risk flood zone according to Environment Agency flood maps. Notwithstanding, the replacement of a field with an impermeable surface will reduce on-site water absorption and given the topography of the land there is a possibility of surface water run-off down to properties in Prospect Cottages for example. As a result the applicant will have to undertake a detailed drainage and sewerage assessment at the reserved matters stage and provide suitable mitigation and protection measures for surrounding properties and land. Upon submission of such detail the planning officer will seek advice from Yorkshire Water, the Council's Drainage Engineer and the Environment Agency. If the flood/drainage issues cannot be suitably overcome at the reserved matters stage, the plans will not be endorsed and the development will not be able to proceed.

#### Highway Matters

- 5.15 The majority of objections to this proposal relate to highway matters, specifically that the proposal would generate too much traffic in the village and that the access/exit to the site from Prospect Cottages is dangerous with several objectors citing near misses at the junction of Prospect Cottages and High Street. It must be highlighted that the access arrangements were a factor in the assessment of suitable sites through the preparation and adoption of the Allocations SPD. Alternative accesses would require land that is beyond the allocation site and would only be financially viable if additional land were to be developed, which is not proposed.
- 5.16 In summary, the Highway Authority advises there are no concerns with the suitability of the access road and the visibility available from the access road along High Street exceeds requirements defined in 'Manual for Streets' in both directions. In addition, there have been no recorded accidents at the junction nor in the vicinity of the site in the last 5 years. It is noted that Prospect Cottages is not a road that is gritted in the winter and that given its steepness it could be difficult to use in icy conditions; however, this is the case for the great majority of unclassified roads and a grit bin is available for all residents to use.

### Impact on Protected Species

- 5.17 Policy DP31 of the Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.18 While there has been an objection received which suggests that there is bat and owl activity in the barn, the qualified habitat survey submitted with the application concludes that an ecological appraisal and Phase 1 Habitat Survey has been carried out and that no notable habitats were found and that the agricultural building had no signs of breeding bird or barn owl activity or bats or potential bat roost habitat. However, it was noted that removal of vegetation around the building will result in the loss of bird nesting habitat and there is a risk of disturbance to nesting birds if work is carried out during the breeding season. Furthermore, it was noted that the hedges are species rich and so they are protected by the Hedgerow Regulations. These should be retained as part of the development.
- 5.19 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 mitigation measures.

### Developer Contributions

- 5.20 Planning Policy EH5 requires contributions from the developer towards providing a village play area. However, since the allocation of this site, the village play area has been completed. It is therefore considered that the requirement of the policy is no longer relevant. Public open space contributions are however required separately for this development by LDF Policy DP37 and the Council's Leisure Services Department has advised that there are other projects within Hushwaite and surrounding villages that would benefit from this contribution, which in this case would be £52,263.20.
- 5.21 Objections have been received advising that the village school could not manage an increase in children from this development, while Planning Policy EH5 requires contributions from the developer towards the provision of additional school places and local health care facilities as necessary. The proposal was referred to NYCC Education Department who advised that the local school has a net capacity of 105 children and that as of May 2014 only 63 pupils were on the roll. As a result a surplus of places is available and therefore no financial contribution is deemed necessary.
- 5.22 With regard to healthcare provision Policy DP5 of the Development Policies DPD on community facilities 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.
- 5.23 Service providers tend to adopt a reactionary approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community. However, where a service provider can demonstrate that infrastructure cannot support a development and that development cannot provide or fund the necessary investment in infrastructure to address this, planning permission may be refused.

- 5.24 Responsibilities for health care provision have recently been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.

#### Sustainable Energy

- 5.25 A sustainability and energy statement has not been included with the application, primarily because design is a reserved matter. 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.
- 5.26 A suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies and these would be reviewed in detail at the reserved matters stage.

#### Contamination

- 5.27 A risk assessment has been submitted to establish whether there is a likelihood of potential contamination within the application site; the conclusion being that the risk to future residents is very low. However, this can be considered in greater depth under the terms of the condition recommended by the Environmental Health Officer.

#### Community Engagement

- 5.28 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, which 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.
- 5.29 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicant's agent did consult with the Council on the content and nature of the pre-application consultation in May 2014 and in July 2014 leaflets were delivered to houses that were accessible and local to the development site, a leaflet was placed on the village notice board and an email was issued to the Husthwaite village newsletter, all setting out the key facts of the development and asking for comment.
- 5.30 The applicant received 21 email responses and 20 by post. The responses received were similar to those received by the Council and noted in Section 4 above. The applicant proceeded to meet with the District and Parish Councillors whereby it was concluded that as the application is at outline stage a further presentation to the village would be undertaken as part of the reserved matters applications.
- 5.31 It is considered that the applicant has approached community consultation in accordance with the Council's SCI but that a greater level of involvement at the later design stages will be necessary.

## 6.0 CONCLUSION

- 6.1 The surveys and consultations carried out by the applicant show that the site is capable of development and no substantive objections have been raised by statutory consultees to the development of the site. The site is allocated for development in the LDF Allocations Document and the submitted scheme is in accordance with Policy EH5 of that document in all respects and the applicant has agreed to the provision of 50% affordable housing to be of tenure and mix as agreed with the Housing Manager.
- 6.2 The public objections that have been received have been addressed in the body of this report and are considered to be of limited weight with many relating to matters that will be reconsidered at the reserved matters stage and others, notably highways and housing need, being surmounted by technical guidance and overriding planning policy requirements.
- 6.3 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the housing development, subject to the subsequent approval of detailed plans in respect of layout, scale, design and materials, will have no adverse impact on landscape character, residential amenity and highway safety.

## 7.0 RECOMMENDATION

- 7.1 That Planning Permission is **GRANTED** subject to (a) the satisfactory completion of a planning obligation to secure a contribution of £52,263.20 towards local provision of open space, sport and recreation and (b) the following conditions:

### 1. Submission of Reserved Matters

Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

### 2. Commencement

No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plots, (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.

**Reason:** To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

### 3. Materials

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.

**Reason:** 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. Hard Surfaces**

All areas of hard surfacing within the curtilages of the dwellings hereby approved shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

**Reason:** To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

#### **5. Levels**

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

#### **6. Boundary Treatments**

No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

#### **7. Boundary Treatment Construction**

No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

**Reason:** To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## **8. Crime Prevention**

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

**Reason:** In order to ensure that the development takes account of the need to reduce opportunities for crime and fear of crime, in accordance with Policy CP20 of the adopted Local Development Framework.

## **9. Land Contamination**

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 identified 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 verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

**Reason:** 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 Policy CP21.

## **10. Detailed Plans of Road and Footway Layout**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - the proposed highway layout including the highway boundary
  - dimensions of any carriageway, cycleway, footway, and verges
  - visibility splays
  - the proposed buildings and site layout, including levels
  - accesses and driveways
  - drainage and sewerage system
  - lining and signing
  - traffic calming measures
  - all types of surfacing (including tactiles), kerbing and edging.
- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - the existing ground level
  - the proposed road channel and centre line levels
  - full details of surface water drainage proposals.
- c) Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - kerb and edging construction details
  - typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### **HI-01 Informative**

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

**Reason:** To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with LDF Policy CP2 and DP4.

#### **11. Construction of Roads and Footways Prior to Occupation of Dwellings**

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

**Reason:** To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with LDF Policy CP2 and DP4.

#### **12. Use of Existing Access**

There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Prospect Cottages. 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.

**Reason:** The interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with LDF Policy CP2 and DP4.

### **13. Discharge of Surface Water**

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

**Reason:** In the interests of highway safety in accordance with LDF Policy CP2 and DP4.

### **14. Garage Conversion to Habitable Room**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garages shall be kept available at all times for the parking of domestic vehicles ancillary to the occupation of the associated dwelling.

**Reason:** To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in accordance with LDF Policies CP2 and DP4.

### **15. Precautions to Prevent Mud on the Highway**

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.

**Reason:** To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.

### **16. Doors and Windows Opening Over the Highway**

All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

**Reason:** To protect pedestrians and other highway users in accordance with LDF Policies CP2 and DP4.

### **17. On-site Parking, On-Site Storage and Construction Traffic During Development**

Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

- b) On-site materials storage area capable of accommodating all materials required for the operation of the site.
- c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**Reason:** To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

#### **18. Routing of Construction Traffic**

Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

**Reason:** In the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

#### **18. Parking Provision**

A minimum of 2 parking spaces of dimensions 2.4 x 4.8m per dwelling will be required, along with a turning head in accordance with the "Residential Highway Design Guide".

**Reason:** To provide for appropriate on-site vehicle parking, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

#### **18. Sustainable Energy**

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 per cent of the building's energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

**Reason:** In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

#### **19. Construction Management Plan**

Prior to commencement of work a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

**Reason:** To protect the amenity of adjacent residents and to accord with Policies CP1 and DP1 of the Hambleton Local Development Framework.

#### **20. Separate Drainage Systems**

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

**Reason:** In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.

**21. Foul & Surface Water Drainage**

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority.

**Reason:** To ensure that the development can be properly drained in accordance with LDF Policies CP21 and DP43.

**22. No Piped Discharge of Surface Water**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

**Reason:** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.

**23. Ecology**

Prior to the development commencing, an Ecological Management Plan detailing measures to protect existing habitats and deliver biodiversity gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

**Reason:** In order to protect and enhance biodiversity in accordance with Policies CP16 and DP31 of the Hambleton Local Development Framework.

**24. External Lighting**

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.

**Reason:** In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Policy DP32 of the adopted Hambleton Local Development Framework.

**25. Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing number: Husthwaite OP01 received by Hambleton District Council on 7 November 2014.

**Reason:** In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies.

**Parish: Scruton**  
Ward: Leeming Bar

Committee Date: 5 February 2015  
Officer dealing: Mr J Howe

## **4 a)**

Target Date: 13 January 2015

**14/02346/FUL**

**Internal alterations and extension to dwellinghouse and formation of a new internal doorway as amended by plans received by Hambleton District Council on 12th January 2015.  
at The Old Stables Station Road Scruton North Yorkshire  
for Mr & Mrs S Hall**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application is for the construction of a single storey side extension to a detached dwelling adjacent to Scruton House close to the junction of the A684 and Station Road one mile south of Scruton village.

1.2 The application site comprises a two-storey brick structure dating from approximately 1800 and is one of two former dependencies (stable block and other ancillary uses) which supported Scruton House, a substantial dwelling lying to the south-west. The application site, Scruton House and the second ancillary building are grade II listed buildings and a concurrent application for listed building consent is reported under reference 14/02497/LBC.

1.3 The application site was converted to a dwelling in the 1990 with a single storey rendered lean-to extension to the rear (north).

1.4 The current scheme proposes the construction of a single storey side extension to the western elevation of the property to form a new lounge area. The proposed footprint is 7.2m wide x 5.5m deep and the overall height, comprising a flat parapet-type roof would be 3.2m. It is proposed that the western and northern elevations would be in cream render to match the existing rear extension. The southern elevation was also initially proposed in render but, following discussions has been amended to reclaimed brickwork to match the rest of the house. The northern and southern walls follow the line of the footprint of the existing dwelling.

1.5 The northern elevation faces the existing garden and is mainly glazed, the glazing being recessed behind the line of the main facade. As noted above a flat 'sedum' (green) roof is proposed which will also include a bespoke lead covered light well to utilise south and east sun. With regard to the link between the proposed extension and the existing western gable the applicants originally stated that "This has been an important aspect and careful thought has been given as to how to do this. The solution we went with was to limit the impact on the principle of the building as much as possible. We have done this with a box gutter and simple link with aluminium panels." However, as noted in para 5.3 below this detail has been changed to give a simpler join.

1.5 A statement submitted in support of the application indicates that: "Throughout the design process the status of the listed building has remained of key importance and full effect has been made to respect the building and its history. In response to this we believe a new extension should not compete with the existing brick structure and have its own identity to illustrate current design styles. This has resulted in a contemporary proposal which is very simple in form and scale and with a deliberate 'gap' between the two. The extension is intended to be subordinate to the existing listed building. The location of the new footprint has been carefully considered and sits to the west within an area of garden where visibility from the main road and neighbouring property is at a minimum. There is an existing 3.1m

high conifer hedge which runs along the south boundary and is to remain unaffected. The height and width of the hedge is seen as a major part of the proposal as this will screen the new building from the adjacent properties of Scruton House and The Coach House."

1.6 The applicants had preliminary discussions with the Council's Historic Buildings Officer prior to the submission of the application and a further meeting was held following submission which has resulted in some amendments which are referred to in section 5 below.

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

2.1 Listed Building Consent and planning permission was granted in 1990 for the conversion of the building to residential use with the addition of a single storey rear extension. Listed Building Consent was refused in 1991 for the re-roofing of the building in artificial materials.

2.2 06/01862/FUL : Construction of a replacement garage : Permission Granted Oct. 2006

2.3 06/01863/LBC : Listed Building Consent for repairs to roof and eaves with replacement of windows : Consent Refused Oct. 2006.

2.4 06/02465/LBC: Revised application for repairs to roof and eaves with replacement of windows: Granted November 2006.

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

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

Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Scruton Parish Council: Wishes to see the application Refused and a more sympathetic design put forward. Comments on the amended proposals are awaited.

4.2 Historic Buildings Officer: See report on 14/02347/LBC

4.3 The application was advertised by site notice on the site boundary facing Station Road and the two adjacent neighbours were consulted. No written representations have been received.

## **5.0 OBSERVATIONS**

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual amenity (Policies CP16 and DP30) and adjacent residential amenity (Policy DP1). The contents of

the National Planning Policy Framework (NPPF) are also relevant in this case. The impact on the appearance, character and fabric of the listed building is appraised in the concurrent application for listed building consent (Ref 14/02347/LBC).

5.2 It has been noted above that the proposed extension does not attempt to reflect the style of the existing property but seeks to establish its own character and make clear that it is of a different era and form. Paragraph 60 of the NPPF states that "Planning Policies and decisions should not attempt to impose architectural styles or tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain developments or styles." It is considered that the current proposal conforms with that statement.

5.3 It has been mentioned above that as a result of the 'modernist' nature of the scheme, a meeting was held with the applicants to examine in detail the proposal and enable them to make a number of amendments which, it was considered, would reduce any element of adverse impact on neighbouring amenity and improve the overall integrity and appearance of the scheme. The alterations agreed relate to:

- 1) The reduction in overall height of the extension by 200mm such that this reduces any visual impact from Scruton House.
- 2) Additional detailing of the bespoke lead rooflight/lightwell design.
- 3) The use of reclaimed brickwork for the southern elevation of the extension which now maintains a unity of materials when seen from Scruton House and the second adjacent dwelling.
- 4) A relocation of the rainwater outlets on the extension which allows the use of glass to abut the existing dwelling rather than aluminium panels as previously, thereby enabling a 'cleaner' join between extension and existing.

5.4 It was mentioned in section 1 above that the extension is in a discreet location when viewed from both Station Road (the C-class road from the A684 towards Scruton) and the two neighbouring dwellings to the south and south-west. There are no openings in the extension facing neighbouring properties and consequently, no adverse amenity implications. The reduction in overall height and use of matching reclaimed brickwork instead of render also reduces any visual impact from those neighbouring views.

5.5 Although, as noted already, the extension is of 'modernist' appearance, it is so located and screened that it will not be a discordant element in views from the north towards the A684. The main feature of the northern elevation is the glazing element although the area of render on this elevation would reflect the material on the northern elevation of the existing single storey lean-to. The scale of the extension is such that it is genuinely subordinate to the existing dwelling.

## **6.0 CONCLUSION**

6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are considered to be appropriate in this location and the works will have no adverse impact on local visual, or adjacent residential, amenity.

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

## 7.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
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 permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 1880/01 Rev.A; 1880/02 Rev.B; 1880/04) attached to planning application 14/02346/FUL received by Hambleton District Council on 17th November 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 appearance of the windows are appropriate to the character and appearance of the building in accordance with Policies CP16 and DP30.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP17 and DP32.

**Parish: Scruton**  
Ward: Leeming Bar

Committee Date: 5 February 2015  
Officer dealing: Mr J Howe  
Target Date: 13 January 2015

## **4 b)**

**14/02347/LBC**

**Listed Building Consent for Internal alterations and extension to dwellinghouse and formation of a new internal doorway as amended by plans received by Hambleton District Council on 12th January 2015.  
at The Old Stables Station Road Scruton North Yorkshire  
for Mr & Mrs S Hall**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application is for the construction of a single storey side extension to a detached dwelling adjacent to Scruton House close to the junction of the A684 and Station Road one mile south of Scruton village.

1.2 The application site comprises a two-storey brick structure dating from approximately 1800 and is one of two former dependencies (stable block and other ancillary uses) which supported Scruton House, a substantial dwelling lying to the south-west. The application site, Scruton House and the second ancillary building are grade II listed buildings. A concurrent application for planning is reported under reference 14/02496/FUL.

1.3 The application site was converted to a dwelling in the 1990 with a single storey rendered lean-to extension to the rear (north).

1.4 The current scheme proposes the construction of a single storey side extension to the western elevation of the property to form a new lounge area. The proposed footprint is 7.2m wide x 5.5m deep and the overall height, comprising a flat parapet-type roof would be 3.2m. It is proposed that the western and northern elevations would be in cream render to match the existing rear extension. The southern elevation was also initially proposed in render but, following discussions has been amended to reclaimed brickwork to match the rest of the house. The northern and southern walls follow the line of the footprint of the existing dwelling.

1.5 The existing window on the western gable elevation to be extended is to be retained in an attempt to reduce the impact on the existing building and to allow light and a view to the garden from the existing dining room. To connect the building to the extension a blocked-up doorway within the west elevation is to be re-instated and will become an internal door. Internally, an additional doorway is to be formed between the kitchen and dining room to improve internal circulation. This alteration is, however, to a recent modern partition wall built when the dwelling was converted in 1990 rather than any original historic fabric.

1.6 The northern elevation faces the existing garden and is mainly glazed, the glazing being recessed behind the line of the main facade. As noted above a flat 'sedum' (green) roof is proposed which will also include a bespoke lead covered light well to utilise south and east sun. With regard to the link between the proposed extension and the existing western gable the applicants originally stated that "This has been an important aspect and careful thought has been given as to how to do this. The solution we went with was to limit the impact on the principle of the building as much as possible. We have done this with a box gutter and simple link with aluminium panels." However, as noted in para 5.3 below this detail, has been changed to give a simpler join.

1.7 A statement submitted in support of the application indicates that: "Throughout the design process the status of the listed building has remained of key importance and full effect has been made to respect the building and its history. In response to this we believe a new extension should not compete with the existing brick structure and have its own identity to illustrate current design styles. This has resulted in a contemporary proposal which is very simple in form and scale and with a deliberate 'gap' between the two. The extension is intended to be subordinate to the existing listed building. The location of the new footprint has been carefully considered and sits to the west within an area of garden where visibility from the main road and neighbouring property is at a minimum. There is an existing 3.1m high conifer hedge which runs along the south boundary and is to remain unaffected. The height and width of the hedge is seen as a major part of the proposal as this will screen the new building from the adjacent properties of Scruton House and The Coach House."

1.8 The applicants had preliminary discussions with the Council's Historic Buildings Officer prior to the submission of the application and a further meeting was held following submission which has resulted in some amendments which are referred to in section 5 below.

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

2.1 Listed Building Consent and planning permission was granted in 1990 for the conversion of the building to residential use with the addition of a single storey rear extension. Listed Building Consent was refused in 1991 for the re-roofing of the building in artificial materials.

2.2 06/01862/FUL : Construction of a replacement garage : Permission Granted Oct. 2006

2.3 06/01863/LBC : Listed Building Consent for repairs to roof and eaves with replacement of windows : Consent Refused Oct. 2006.

2.4 06/02465/LBC: Revised application for repairs to roof and eaves with replacement of windows: Granted November 2006.

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

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

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

Development Policies DP28 - Conservation

National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Scruton Parish Council: Wishes to see the application Refused and a more sympathetic design put forward. Comments on the amended proposals are awaited.

4.2 Historic Buildings Officer: The amended details put forward are in line with the discussions held with the applicant. The proposals are now considered to be acceptable.

4.3 Council for British Archaeology: No response received.

4.4 The application was advertised by site notice on the site boundary facing Station Road and the two adjacent neighbours were consulted. No written representations have been received.

## **5.0 OBSERVATIONS**

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed and the consequent potential impact on the appearance, character and fabric of the listed building (Policies CP16 and DP28). Any impact on local visual and adjacent residential, amenity is appraised in the concurrent application for planning permission (Ref 14/02346/FUL). The contents of the National Planning Policy Framework (NPPF) is also relevant in this case.

5.2 It has been noted above that the proposed extension does not attempt to reflect the style of the existing listed property but seeks to establish its own character and make clear that it is of a different era and form. Paragraph 60 of the NPPF states that "Planning Policies and decisions should not attempt to impose architectural styles or tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain developments or styles." It is considered that the current proposal conforms with that statement.

5.3 It has been mentioned above that as a result of the 'modernist' nature of the scheme affecting a listed building, a meeting was held with the applicants to examine in detail the proposal and enable them to make a number of amendments which, it was considered, would, in this case, improve the overall integrity and appearance of the scheme and reduce any impact on the setting of the building group. The alterations agreed relate to:

- 1) The reduction in overall height of the extension by 200mm such that this reduces any visual impact from Scruton House.
- 2) Additional detailing of the bespoke lead rooflight/lightwell design.
- 3) The use of reclaimed brickwork for the southern elevation of the extension which now maintains a unity of materials when seen from Scruton House and the second adjacent dwelling.
- 4) A relocation of the rainwater outlets on the extension which allows the use of glass to abut the existing dwelling rather than aluminium panels as previously, thereby enabling a 'cleaner' join between extension and existing.

5.4 It was mentioned in section 1 above that the extension is in a discreet location when viewed from both Station Road (the C-class road from the A684 towards Scruton) and the two neighbouring dwellings to the south and south-west. The reduction in overall height and use of matching reclaimed brickwork instead of render also reduces any adverse visual impact from those neighbouring views.

5.5 Although, as noted already, the extension is of 'modernist' appearance, it is so located and screened that it will not be a discordant element in views of the listed building group from the north towards the A684. The main feature of the northern elevation is the glazing element although the area of render on this elevation would reflect the material on the northern elevation of the existing single storey lean-to.

5.6 The scale of the extension is such that it is genuinely subordinate to the existing dwelling. No elements of the scheme will affect the original fabric of the building. It is, therefore, consequently considered that the extension will not have any significant adverse impact on the building or its setting and can be viewed in future as a well-designed evolution of the group.

## **6.0 CONCLUSION**

6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the

National Planning Policy Framework in that the scale, design and materials proposed are considered to be appropriate in this form and location and the works will have no adverse impact on the appearance, character or historic fabric of the building.

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

## **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
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 permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 1880/01 Rev.A; 1880/02 Rev.B; 1880/04) attached to application 14/02347/LBC received by Hambleton District Council on 17th November 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 appearance of the windows are appropriate to the character and appearance of the building in accordance with Policies CP16 and DP30.
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 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 and DP28.

**Parish: Scruton**  
Ward: Leeming Bar

Committee Date : 5 February 2015  
Officer dealing : Mr J E Howe

**5**

Target Date: 12 January 2015

**14/02310/FUL**

**Construction of agricultural building for a pig rearing unit.  
at Land South West Of Scruton Grange Fleetham Lane Scruton North Yorkshire  
for Mr & Mrs John Webster.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application is for the construction of an agricultural building to house 1,900 pigs and an associated feed silo on land at Fleetham Lane, Scruton. The site is some 800m to the north-west of the village being within a currently arable field with an existing field access through a mature belt of deciduous trees onto Fleetham Lane. There are two dwellings some 250m to the south on Fencedyke Lane and a group of four dwellings a similar distance to the north including one in holiday letting. A chalet /caravan site with fishing lake enterprise also lies some 350-400m to the north.

1.2 The proposed building would be 24m x 75m x 7m to the pitched ridge. It would be constructed in concrete blockwork to the lower 2m with stained Yorkshire boarding above and a fibre cement sheeted roof with roof-lights. A feed silo 8m high and 3.4m in diameter and dark green in colour would be sited directly adjacent to the building.

1.3 The proposed building is for the fattening of pigs on a 12 week cycle. They would be brought into the site at approximately 6kg in weight and fattened up to 45kg within a 10 week period. 2 weeks is then allowed for transfer, cleaning of the building and preparation of the next batch. This gives a cycle of 4 batches per year. In terms of vehicle movements it is stated that the applicant would visit every day with one pick-up to check on the animals. One lorry would fill up the feed silo at the beginning of each cycle (which would last for four weeks) and then one vehicle per week for the remaining six weeks to 'top-up'. There would then be 5 cattle trucks over a two day period at the end and start of each batch of pigs and 1-2 vehicles removing the muck also at the end of a cycle only.

1.4 The pigs would be kept on a straw base, changed at the end of each batch. The applicant states that no muck would be stored outside the building and no slurry produced. It is stated that the straw is obtained from local farmers in exchange for the resultant muck. The application states that all feedstuff is locally sourced and the purpose of the application is to increase the viability and profitability of the business as the applicant rents the buildings used at the Morton and Kirkby Fleetham sites (see para 1.5 below) and is unable to acquire additional land or buildings to expand these. The applicant currently is the only full-time employee in the business. He employs one other part -time worker and would take on another part-time to help run the expanded business.

1.5 As noted above the applicant currently has two other sites which operate a similar fattening cycle at Morton-on-Swale (1,260 pigs - established for three years) and Kirkby Fleetham (1,460 pigs - established for four years). A supporting letter from the applicant states that: "This proposal is required to allow an existing agricultural based business to expand further in an agricultural setting. The building will be of a traditional farm building construction and is well screened by existing trees/copse and hedges to minimise the impact on the landscape. The risk of nuisance and smell will be kept to a minimum because of the straw base system being used and the 12 week batch system, plus all the pigs will be reared indoors."

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

2.1 None.

## **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Development Policy DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policy DP25 - Rural employment  
Development Policy DP26 - Agricultural issues  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Scruton Parish Council: "Wish to see the application refused due to the enormous size of the proposed building. If it is to be approved the existing screening should be maintained and extended and conditions applied regarding slurry removal bearing in mind the extremely narrow road in this vicinity."

4.2 Highway Authority: No objections subject to conditions.

4.3 Yorkshire Water: No comments.

4.4 Environment Agency: Comments awaited.

4.5 Environmental Health Officer: Should permission be granted schemes detailing the storage and management of waste, extraction ventilation methods and a noise assessment should be submitted for the approval of the Council.

4.6 Additional details on the matters raised by the Environmental Health Officer have recently been received from the applicant; these relate to the treatment and storage of waste and noise issues. Any further comments of the Environmental health Officer will be reported to the meeting but it is clear from their earlier comments that these are matters of detail rather than issues of principle that might prevent the grant of permission.

4.7 The application was advertised by site notice on Fleetham Lane and the seven closest neighbours were notified. Five responses were received, four from individuals and one from an agent acting on behalf of the owners of the Fishing Lake/Chalet/Caravan enterprise and the holiday cottage. Two of the individuals also state that they support the comments made by the agent referred to. The objections raised refer to potential noise and smell impact, adverse impact on the tourist facilities nearby, welfare aspects of the pig activity, highways and road safety considerations, site drainage and impact on the adjacent trees.

## **5.0 OBSERVATIONS**

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the site location outside the defined development limits of any settlement (Policy CP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any on local visual amenity and

landscape character (Policies CP16 and DP30), the agricultural need for the building and economic/employment considerations including both positive and negative elements (Policies CP15, DP25 and DP26) and any impact on adjacent residential amenity (Policy DP1). The contents of the National Planning Policy Framework are also relevant in this case.

5.2 The proposal is for an agricultural building of an intensive nature and, consequently, is covered by exception criterion i of Policy CP4, being a building necessary to meet the needs of agriculture and which would help support a sustainable rural economy. This is a new site on previously undeveloped land with no other buildings associated. The applicant has given written confirmation that he has sought to expand his other sites but landlord consent was not forthcoming. He also looked at other sites but this location has the advantage of being near the other sites he operates.

5.3 In terms of the scale and design of the building it is of a standard type and form to meet its functional requirements. Although substantial in size it would be constructed in blockwork with spaced stained timber boarding which would both minimise noise nuisance from the lower part of the building (where the stock is), and also negate the need for mechanical ventilation by the use of spaced boarding for the upper walls. The building would be very well screened from Fleetham Lane by the stand of mature trees along the eastern boundary of the site such that a landscape objection could not be sustained in that respect. The building would be open to long views across the field from Fencedyke Lane to the south west but there is sufficient space proposed around it for landscape planting to be undertaken, particularly on the southern and western boundaries, to soften its impact. Should permission be granted it is considered that a Tree Preservation Order should be made on the trees along Fleetham Lane, which are an important local landscape feature and important in mitigating the visual impact of the development.

5.4 It has been noted above that the proposal has been submitted by the applicant in order to expand his existing fattening business and is proposed on this site as he is unable to acquire additional land or buildings for this purpose at his other locations. The site is, however, well located in relation to the other sites for monitoring and management purposes. The applicant has indicated that he has sought this permission in order to make the business more viable and profitable and will employ an additional part-time worker to assist the enterprise. The justification to Policy DP26 states that "Agriculture will continue to be an important sector of the Hambleton economy and, in extent, one of the most significant land uses.....Development of agriculture will be supported provided that, in terms of other LDF Policies, it represents sustainable practices of land management and respects the interests of nature conservation." In addition to making the applicant's own business more viable it should be noted that the applicant has also stated that he is responding to an increase in customer demand. It should be noted that the applicant's business plays an integral part in the pig supply chain between breeding and final finishing to bacon weight rather than simply a separate role in itself.

5.5 The representations received refer, inter alia, to the potential adverse impact of the proposal on both the operation of the holiday letting unit adjacent to The Grange and the fishing/chalet operations to the north. These are both rural based facilities which are, by their very nature, also located in the countryside which is part of their appeal. It is reasonable to assume that a rural area such as this would have an active agricultural element, including some of an intensive nature. Subject to appropriate management practices such as have been indicated with the application and reviewed by the Environmental Health Officer it is not considered that the scheme should have a demonstrable adverse impact on these tourist based activities. Following the receipt of representations the applicant submitted the following statement: "The piglets will be on a dry straw bedding which will be changed four times per year. This results in a solid waste system and not slurry. There will be no outside storage of pig waste and no animals kept outside the building....As stated previously this is a new building built to DEFRA standards and requirements with all necessary steps to prevent

any pollution of the site. The building will have a ditch around the perimeter to prevent any spread of pollution."

5.6 Reference is made in Policy DP1 to the need for all development proposals to "adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight." The question of the potential impact, specifically of noise and odours (and including reference to flies) has been made by respondents in this case. It should be noted that, notwithstanding the scale of the operation, the activity would be entirely confined within the building with the exception for short periods of cleaning out and cleaning four times per year. Reference is made above to an assessment of any impact of the activity on tourist related neighbours and these comments apply equally to residential amenity. The design of the building to prevent noise nuisance is mentioned in para 5.3 above. The applicant has also provided an extract of a document produced by the Health and Safety Executive 'Practical Solutions to Noise Nuisance in Agriculture'. This states that the greatest likelihood of noise created in pig buildings is human presence. Consequently a mechanised feed system, such as proposed here, is recommended to reduce this element.

5.7 Some public comments have referred to the animal welfare aspects of the development. The applicant has responded that he has carried out a full assessment of the unit, combined with the operation of the existing sites and has confirmed that this will be in accordance with DEFRA standards and requirements. It is also confirmed that there is "no wish or requirement to provide any on-site accommodation for a worker".

5.8 Comments were also received in respect of highway safety. However, the Highway Authority has reviewed the proposal and has raised no objection. Its consideration of the levels of traffic which would be generated by the development lead to a conclusion that an objection on these grounds could not be sustained.

5.9 The potential risk of pollution from site drainage was also raised. The description of the method of operation on site and the practices adopted reveal this this is unlikely. Nevertheless the final response of the Environment Agency and further comments of the Environmental Health Officer will be essential before development is allowed to proceed, and may require amendments to the recommended conditions.

5.10 The NPPF states in paragraph 28 that local authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy they should promote the development and diversification of agricultural and other land-based rural businesses. In this case the current application will support, and be supported by, the applicant's other development sites and, in addition, as noted in paragraph 5.4 above, the site will enhance the overall pig producing activity in the area by ensuring the link between breeding and final finishing of the animal. It is considered that this is in accordance with the ethos of the NPPF statement.

5.12 This recommendation is subject to the receipt of the observations of the Environment Agency and further comments of the Environmental health Officer.

## **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development

have been submitted to and approved in writing by the Local Planning Authority

3. The site shall not be brought into use until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 3 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.
4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (b) The crossing of the highway verge shall be constructed in accordance with the approved Standard Detail number E1; (c) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; (d) That part of the access(es) extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (e) The final surfacing of any private access within 15 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local
6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215m measured along both channel lines of the major road Fleetham Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.5m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) loading and unloading arrangements.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities

shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (b) on-site materials storage area capable of accommodating all materials required for the operation of the site; and (c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.
10. 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.
11. There shall be no outside storage of any waste materials unless in accordance with a written scheme of works approved by the Local Planning Authority.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details attached to planning application 14/02310/FUL received by Hambleton District Council on 12th November 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 to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policies CP16 and DP30.
3. To ensure that the development is appropriate to the character and appearance of its surroundings and to delineate the boundary of the animal activity.
4. To ensure that the development is appropriate to the character and appearance of its surroundings and to delineate the boundary of the animal activity.
5. In accordance with the policy and in the interests of highway safety

6. In order to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
7. In order to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In order to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. In order to ensure that the development is screened from major views in accordance with Policies CP16 and DP30.
11. In the interest of pollution prevention and the amenities of adjacent residents and activities.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, DP30 and DP1.

## 6

14/02363/FUL

### **Two storey and single storey extensions to dwelling at Bruce House, Scaife Shay Lane, Sessay for Mr & Mrs D Sanderson**

#### **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application seeks planning consent for the construction of a two storey extension and single storey extensions to the existing dwelling of Bruce House, Scaife Shay Lane, Sessay.

1.2 The proposed two storey extension would be positioned to the rear (northern elevation) of the dwelling with the single storey extensions positioned to both side (west and east) elevations of the building.

1.3 The two storey extension would provide for a replacement stairwell, dressing room and en-suite at first floor level and a kitchen area and stairwell at ground floor level. The structure would measure approximately 6.9m x 9.7m. An open porch would be positioned to the northern elevation of the two storey extension.

1.4 The single storey extensions to the western elevation would provide for the remainder of the kitchen area and a farm office, and would be formed in an 'L' shape measuring approximately 15m x 5.5m.

1.5 The single storey extension to the eastern elevation would provide for a boot room and would measure approximately 6.8m x 2.6m.

1.6 Materials for the works would comprise red brick and clay pantiles with UPVC windows and doors.

1.7 An agricultural barn to the eastern side of the farmstead which is not attached to the main dwelling is Grade II Listed.

1.8 The application is being brought before Members of the Planning Committee as the owner of the property is a Member of the Council.

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

2.1 Various applications relating to the main farmstead and not the dwellinghouse.

2.2 There is no planning enforcement history.

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

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

Supplementary Planning Document - Domestic Extensions - Adopted 22  
December 2009  
Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

4.1 Parish Council; expired 01.01.2015 - No responses received as at 21.01.15.

4.2 The Ramblers Association - Wish to object to the proposal until the following matters are clarified: (i) the building works for the application are well advanced; (ii) the bridleway immediately west of the development appears to have been diverted. The definitive line must be confirmed with NYCC.

4.3 NYCC Footpaths; expires 04.02.15 - Response awaited.

4.4 Site notice posted; expires 27.01.2015 - Response awaited.

#### **5.0 OBSERVATIONS**

5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed works on the visual amenity of the surrounding area and any impact on neighbour amenity.

5.2 The extensions represent a large scale addition to the dwelling. The works maintain the character and design of the dwelling and consequently do not harm the visual amenity of the surrounding rural landscape. The dwelling is isolated from nearby residential property and the works would not therefore raise any neighbour amenity issues.

5.3 The comments of The Ramblers Association are noted. The building works are at an advanced stage and are entirely at the applicant's own risk. The alignment of the public right of way is being clarified with NYCC Footpaths. It is understood that any "mis-alignment" of the public right of way is not as a result of the recent works at the property.

5.4 Subject to any necessary post decision condition to address the outcome of the consultation response from NYCC Footpaths the works are in accordance with the policies of the Hambleton Local Development Framework and this application is recommended for approval.

#### **SUMMARY**

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal is in accordance with the policies set out in the Local Development Framework and is therefore considered acceptable.

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

## **6.0 RECOMMENDATION:**

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

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 PR01 received by Hambleton District Council on 19 November 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.

The reasons for the above conditions are:-

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