

Public Document Pack

HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 25 March 2015

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**

Date **Thursday, 2 April 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 NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 5 March 2015 (P.28 - P.29), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. UPDATE ON THE IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT AND MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON 5 - 8
Report of the Director of Environmental and Planning Services
4. PLANNING APPLICATIONS 9 - 44
Report of the Director of Environmental and Planning Services.
Please note that plans are available to view on the Council's website through the Public Access facility.
5. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 5th March, 2015 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

| | | | |
|------------|-----------------|------------|------------|
| Councillor | Mrs C S Cookman | Councillor | B Phillips |
| | Mrs C Patmore | | M J Prest |

Apologies for absence were received from Councillor J Noone

P.28 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 5 February 2015 (P.26 - P.27), previously circulated, be signed as a correct record.

P.29 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) 13/02323/FUL - Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works at Land Off Catton Village Street, Catton for Robin Hall Associates

PERMISSION GRANTED

- (2) 14/02435/FUL - Construction of 16no. dwellings as amended by plans received by Hambleton District Council on 19th February 2015 at Land at Green Gate Lane, Little Crakehall for Mulgrave Properties LLP

PERMISSION GRANTED subject to the completion of a planning obligation to secure (i) six affordable dwellings within the development in accordance with the Council's Affordable Housing Supplementary Planning Document; (ii) a contribution of £39,000 towards local provision of affordable housing; (iii) a contribution of £47,077.50 towards local open space, sport and recreation provision and (iv) appropriate management of on-site open space.

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

(Councillor McIntosh-Powrie spoke on behalf of Crakehall Parish Council objecting to the application.)

- (3) 14/02612/FUL - Construction of 7 dwellings at Morton Auto Services, Morton on Swale for JR & S Pybus

PERMISSION GRANTED subject to an additional condition relating to existing and proposed ground levels and slab levels of buildings.

- (4) 14/00004/TPO2 - Objection to making of TPO (Hambleton District Council (Northallerton) Tree Preservation Order 2014 No 4) at Rear of Northallerton Tyre and Battery, High Street, Northallerton for Northallerton Tyre and Battery

THE TREE PRESERVATION ORDER 2014 NO 4 NOT BE CONFIRMED because the Committee did not consider that the visibility or the individual, collective or wider impact of the trees or any other factors warranted confirmation of the TPO.

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

(Joe Patterson, spoke in support of confirming the TPO)

- (5) 14/02375/FUL - Construction of a building for the housing of pigs at Sowerby Farm, Sowerby-under-Cotcliffe for Mr Tim Charlton

PERMISSION GRANTED

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

(Mr Grief spoke objecting to the application.)

- (6) 14/02389/FUL - Construction of 24 houses with associated garages and parking areas, formation of 4 new means of access to South Back Lane, provision of underground gas tank, landscaping and enclosures at Land east of Soutersfield and south of South Back Lane, Stillington for Daniel Gath Homes Limited in accordance with amended plans received by Hambleton District Council on 2 March 2015

PERMISSION GRANTED subject to satisfactory completion of a planning obligation to secure a contribution of £80,489.80 towards local provision of open spaces, sport and recreation and 10 affordable housing units in accordance with the Council's Supplementary Planning Document.

(The applicant, Daniel Gath, spoke in support of the application.)

(Councillor Mrs Cookman spoke on behalf of Stillington Parish Council objecting to the application.)

(Vivienne Race spoke objecting to the application.)

- (7) 14/02529/FUL - Proposed industrial park development to include access, hard & soft landscaping & means of enclosure at Land at Carr Lane, Sutton on the Forest for Sheriff Hutton Holdings

DEFER to seek the removal of 3 units to allow an increase in car parking and increased turning space for HGVs.

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

- (8) 15/00127/REM - Reserved Matters application for the construction of a 3 bedroom detached dwellinghouse with integral single garage at Rutland House, 4 The Gowans, Sutton on the Forest for Mr P Gripton

PERMISSION GRANTED

- (9) 14/02550/LBC - Listed Building Consent to replace a suspended timber floor with a solid floor at 25 College Square, Stokesley for Broadacres Housing Association

PERMISSION GRANTED

The meeting closed at 3.40 pm

Chairman of the Committee

This page is intentionally left blank

HAMBLETON DISTRICT COUNCIL

Report To: Planning Committee
2 April 2015

From: Director of Environmental and Planning Services

Subject: **UPDATE ON THE IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT & MITIGATION CONDITION – FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON**

Northallerton North Ward

1.0 PURPOSE OF THE REPORT

- 1.1 To update the Committee on progress with details required by the planning condition imposed in response to concerns about public safety relating to use of a Public Right of Way (PRoW) crossing the East Coast Main Line (ECML) close to the development site.
- 1.2 As noted in paragraph 3.3, specialist advice has been commissioned to assist in the assessment of the submitted details. It would be premature to consider the issues in advance of that advice and this report is therefore presented to the Committee for information purposes.

2.0 BACKGROUND

- 2.1 The site is allocated for housing in the Allocations Development Plan Document (2010) with an anticipated 300 dwellings and planning permissions were granted for 283 dwellings in December 2011 and May 2013.
- 2.2 The current developer, Barratt/David Wilson Homes, took on the site after securing planning permission for 241 dwellings in May 2014 on completion of a legal agreement. The scheme is now under construction with a number of dwellings now occupied.
- 2.3 The permission included a condition, number 16, requiring a risk assessment and mitigation measures in respect of a nearby PRoW crossing the ECML:

16. *PROW Level Crossing – Risk Assessment & Mitigation*

Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.

Reason: To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.

- 2.4 A site layout showing the development and the PRoW is attached at Annex 'A'.
- 2.5 In December 2014 Planning Committee resolved to press the developer for submission of appropriate risk assessment and mitigation measures by the end of January 2015. The developer complied with this by submitting the requested risk assessment and mitigation measures on 29 January.

3.0 CURRENT POSITION

- 3.1 The risk assessment includes a safety audit of the ECML crossing carried out by a consultant, Road Safety Initiatives. The safety audit proposes mitigation measures intended to improve the safety of the crossing.
- 3.2 Network Rail, British Transport Police and the Rights of Way Authority have all been consulted. In view of Member concerns regarding the safety of the crossing, officers requested safety advice from the Health & Safety Executive and the Royal Society of Prevention of Accidents (RoSPA). Neither organisation has a statutory duty to comment on the submission and both have declined to comment.
- 3.3 However, RoSPA has recommended a specialist safety consultant, TMS Consultancy, and TMS has been engaged to review the risk assessment and mitigation measures.

4.0 NEXT STEPS

- 4.1 In order to advise the Council, TMS will:
- i Inspect the crossing;
 - ii Carry out an independent safety audit;
 - iii Compare its safety audit with the one carried out for the developer; and
 - iv Make recommendations to the Council.
- 4.2 These actions will be carried out by mid-April and it is anticipated that a substantive report will be brought before Planning Committee on 30 April or 28 May, depending on whether TMS's recommendations require further negotiation with the developer. Until this report is submitted it would be premature to consider the issues or the proposals in the developer's risk assessment and potentially may prejudice any future decision.
- 4.3 The situation on site is under review. At this stage, the issue remains important but not urgent because:
- i The majority of the site is undeveloped and is an active construction site; as such it does not currently permit direct public access between the housing that will soon be occupied and the PRow;
 - ii The developer has advised that it does not intend to create the pedestrian link between the site and the Public Right of Way until development occurs in the adjacent southern part of the site; this is not expected to be until late 2015 at the earliest.

5.0 RECOMMENDATION

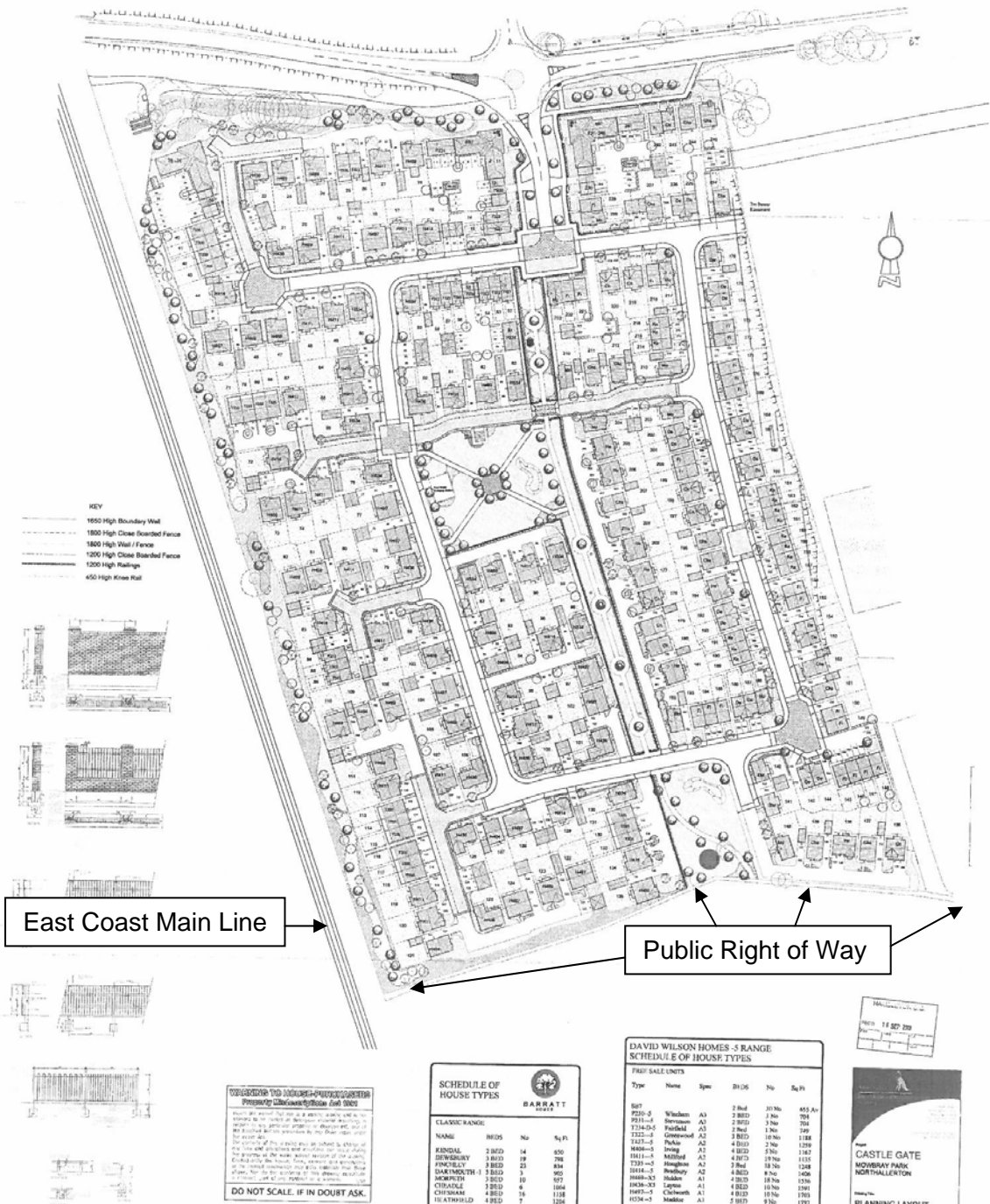
- 5.1 It is recommended that the report be noted.

MICK JEWITT

Background papers: None
Author ref: MDH
Contact: Mark Harbottle - Head of Service - Planning & Housing
01609 767115

020415 Yafforth Road Dev

CASTLE GATE & MOWBRAY PARK, NORTHALLERTON



PLANNING LAYOUT

SCHEDULE OF HOUSE TYPES

CLASSIC RANGE

| NAME | BEDS | No | Sq Ft |
|------------|-------|----|-------|
| KINDAL | 2 BED | 14 | 550 |
| GENESBY | 3 BED | 18 | 708 |
| FINCHELY | 3 BED | 23 | 834 |
| DARKEWORTH | 3 BED | 3 | 905 |
| HOWARTH | 3 BED | 10 | 927 |
| CHURCH | 3 BED | 8 | 1064 |
| CHESHAM | 4 BED | 18 | 1118 |
| HEATHFIELD | 4 BED | 7 | 1254 |

TOTAL UNITS 98 No

DAVID WILSON HOMES - 3 RANGE
SCHEDULE OF HOUSE TYPES

FREE SALE UNITS

| Type | Name | Spec | BEDS | No | Sq Ft |
|--------|------------|------|-------|-------|--------|
| 907 | Wickham | A3 | 2 Bed | 30 No | 655 A+ |
| 923-5 | Parfield | A3 | 2 BED | 3 No | 704 |
| 9314-6 | Greenwood | A2 | 3 BED | 3 No | 749 |
| 1222-5 | Parke | A2 | 3 BED | 10 No | 1188 |
| 1227-5 | Irving | A2 | 4 BED | 2 No | 1250 |
| 1400-5 | Beaumont | A2 | 4 BED | 5 No | 1267 |
| 1811-5 | Stoughton | A2 | 4 BED | 23 No | 1102 |
| 7231-5 | Beaumont | A2 | 3 Bed | 18 No | 1248 |
| 1811-5 | Beaumont | A2 | 4 BED | 8 No | 1248 |
| 1848-5 | Lynnes | A1 | 4 BED | 18 No | 1536 |
| 1848-5 | Lynnes | A1 | 4 BED | 18 No | 1591 |
| 1848-5 | Clawthorpe | A1 | 4 BED | 18 No | 1763 |
| 1848-5 | Clawthorpe | A1 | 5 BED | 9 No | 1991 |

TOTAL: 140 No

1:500 @ A3
 JULY 13
 12.1088.01

This page is intentionally left blank

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 2 April 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 2nd April 2015

| Item No | Application Ref/ Officer/Parish | Proposal/Site Description |
|----------|---|--|
| 1 | 15/00153/FUL Mr A Cunningham Alne Page no. 12 | Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings For: Mr T Clark At: Village Farm, Main Street, Alne RECOMMENDATION: GRANT |
| 2 | 14/01514/FUL Mr A Cunningham Alne Page no. 22 | Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014 For: Mr T Clark At: Oak Busks Lane, Alne RECOMMENDATION: GRANT |
| 3 | 15/00016/FUL Mr P Jones Danby Wiske Page no. 30 | Two storey extension to the rear and side of the existing property as per amended plan received by Hambleton District Council on 2nd February 2015 and 20th February 2015 For: Mr Richard Allick At: The Old Chapel, Danby Wiske RECOMMENDATION: GRANT |
| 4 | 14/02601/FUL Mrs B Robinson Great Ayton Page no. 34 | Extensions to dwellinghouse and alterations to the roof space as per amended plans received by Hambleton District Council on 19th March 2015 For: Mr A Banfield At: 51 Marwood Drive, Great Ayton RECOMMENDATION: GRANT |
| 5 | 14/02529/FUL Mrs H Laws Sutton-on-the-Forest Page no. 37 | Proposed industrial park development to include access, hard & soft landscaping & means of enclosure as amended by plan received by Hambleton District Council on 16 March 2015 For: Sheriff Hutton Holdings At: Land at Carr Lane, Sutton on the Forest RECOMMENDATION: GRANT |

Parish: Alne
Ward: Tollerton

Committee Date: 2 April 2015
Officer dealing: Mr A J Cunningham
Target Date: 23 March 2015

1

15/00153/FUL

**Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings
at Village Farm, Jack Hole Lane, Alne
for Mr T Clark**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the re-development of the existing Village Farm site at Alne. The site extends between Jack Hole Lane to the south and Back Lane to the north, both of which currently provide vehicular and pedestrian access. The Village Farm site is occupied by a traditional range of Victorian buildings to the south nearest Jack Hole Lane with a modern range to the north adjacent to Back Lane. The scheme also includes the conversion and re-construction of two agricultural buildings at the western end of Jack Hole Lane. Both sites are within the Alne Conservation Area.

1.2 This application follows the withdrawn scheme of 14/01513/FUL which related to the conversion and replacement of the existing agricultural buildings to form a total of 10 dwellings. The re-designed scheme has removed the 1 open market and 5 affordable dwellings proposed to the northern side of the site and the proposed re-built and extended dwelling to the west of the detached garages proposed at the end of Jack Hole Lane has been deleted. The site at Village Farm is now proposed to be solely accessed from Jack Hole. There is to be no access via Back Lane.

1.3 Alne is a secondary village as is designated by policy CP4 of the Hambleton Local Development Framework (LDF).

1.4 The proposal at the Village Farm site is as follows:

- Barn 1: rebuilding to form a single dwelling, with single storey extension to rear adjacent western boundary of site measuring approximately 11.5m x 8m. Accommodation comprises 3 bedrooms, 1 en-suite bedroom and a bathroom at first floor, and lounge, hall, study, kitchen/dining area, utility and integral garage at ground floor level.

- Barn 2: conversion to two dwellings (2 and 2A); Unit 2: a garden room, lounge, hall, w/c, kitchen/dining area at ground floor level and two bedrooms, an en-suite bedroom and a bathroom at first floor level; Unit 2A: a study, shower room, hall, lounge, kitchen/dining area and utility at ground floor level and 3 bedrooms and a bathroom at first floor level.

1.5 The proposal at the Jack Hole Lane site is as follows:

- Barn 3: to be demolished

- Barn 4: conversion of existing structure to provide 3 bedrooms, bathroom and an en-suite bedroom at first floor level, and a lounge, study, hall, kitchen/dining area and utility at ground floor level.

- the existing redundant agricultural building to the south of Barn 4 nearest Jack Hole Lane is to be rebuilt to provide a double detached garage to Barn 4, with area between this structure and the public highway forming a paved parking and turning area.

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

1.7 The structural engineers report appended to this application confirms that Barn 1 and the small barn facing Jack Hole Lane (labelled as Barn 3 in the structural report) are each in a poor state of repair necessitating demolition and rebuilding in line with the submitted plans.

1.8 Both development sites are positioned within Flood Zone 1.

1.9 A Contaminated Land Risk Assessment has been submitted in support of this application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 and 5th November 2014; Withdrawn 2015.

2.2 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014; Pending Consideration.

3.0 NATIONAL AND LOCAL POLICY:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP9A - Affordable housing exceptions
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP25 - Rural employment
- Development Policies DP26 - Agricultural issues
- Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - No objections.

4.2 NYCC Highways - Conditions recommended regarding: Discharge of Surface Water, Private Access/Verge Crossings: Construction Requirements, Provision of Approved Access, Turning and Parking Areas, Precautions to Prevent Mud on the Highway, On-site Parking, on-site Storage and construction traffic during Development.

4.3 Network Rail - No observations.

4.4 NYCC Education - Based on the proposed development of 4 dwellings a developer contribution of £13596 would be sought for primary education facilities as a result of this development.

4.5 Internal Drainage Board - No observations.

4.6 Environmental Health - No objections or recommendations.

4.7 Ministry of Defence - No objections.

4.8 Police Architectural Liaison Officer - No comments due to small size of scheme.

4.9 Yorkshire Water - Based on the information submitted (foul only to public foul sewer - surface water to Suds/Soakaway), no comments required from Yorkshire Water.

4.10 Neighbours notified and site notice posted; expires 26.02.15 - Responses received from 4 respondents regarding:

- (a) Traffic on Jack Hole
- (b) Parking and Access to properties at St Marys View at end of Jack Hole.
- (c) Boundary treatments to the site.
- (d) Access to adjacent land during construction.
- (e) Intentions for northern portion of existing farm site.
- (f) Impact on Conservation Area through the demolition of the frontage barn.
- (g) Residential development providing justification for the agricultural workers dwelling.
- (h) Lack of Affordable Housing.
- (i) Structural integrity of Barn 4.
- (j) Impact on local education provision.
- (k) Demolition of structures on site.

5.0 OBSERVATIONS

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

- (a) Principle of development
- (b) Impact on the character, appearance and visual amenity

- (c) Impact on neighbour amenity
- (d) Highway safety
- (e) Protected species
- (f) Affordable housing
- (g) Public Open Space
- (h) Education
- (i) Drainage and Flood Risk
- (j) Community Engagement

(a) Principle of Development:

5.2 Alne is a sustainable settlement as is set out in the sustainable settlement hierarchy contained in policy CP4 of the Hambleton Local Development Framework. Barns 2, 2A and 4 are outside of the development limits of Alne as defined by the Hambleton Local Development Framework Development Policies and Allocations Annex 5 Proposals Map. In terms of policy CP4 of the Hambleton Local Development Framework development would normally have to demonstrate an exceptional circumstance to be acceptable in this location and be compliant with policies CP1 and CP2 which relate to sustainable development and minimising the need to travel. It is important however to give consideration to the National Planning Policy Framework (NPPF) which was adopted in March 2012 after the adoption of the Council's suite of LDF policy documents. The NPPF supports the achievement of sustainable development and requires development to perform a positive economic, social and environmental role. The conversion of barns 2, 2A and 4 would contribute positively to the local economy during their construction with further benefits to the local economy following their future occupation. The buildings are largely incompatible with modern farming methods and would be brought back into use as part of the proposed development. The occupation of barns 2, 2A and 4 as dwellings would contribute positively towards a social role through supporting strong, vibrant and healthy communities through the provision of housing to meet the needs of current and future generations by a creating a high quality built environment. The proposed conversion of barns 2, 2A and 4 would ensure the protection of the built and historic environment and would re-use existing structures through conversion or sympathetic re-building using existing materials. The barns outside of development limits clearly represent sustainable development and due to their location in regard to the facilities of Alne are no less sustainable than housing the immediate area. It is also highlighted that the re-development of barn 1 is acceptable due to its location within development limits.

(b) Impact on Character, Appearance and Local Visual Amenity:

5.3 The buildings contribute greatly to the character of the street scene and the Alne Conservation Area. Their replacement and conversion would ensure that this visual contribution is maintained as would be their contribution to the historic character of the Conservation Area. The works would maintain and enhance local visual amenity and would comply with policy DP28 and DP30 of the Hambleton LDF.

(c) Impact on Neighbour Amenity:

The relationship of the converted and re-built former agricultural buildings to adjacent residential property is noted, as is the overall design of the proposed dwellings. It is not considered that the development would harm neighbour amenity and would comply with policy DP1 of the LDF.

(d) Highway Safety:

5.4 The overall scale of the development has been considered, as has the on-site parking and manoeuvring arrangements, along with the current vehicular activity associated with the agricultural use of the site. The scheme would not give rise to an adverse impact on highway safety subject to the planning conditions recommended by the local highway authority. The congestion along Jack Hole at peak times is noted however the traffic generation from the additional dwellings is not considered to cause a significant harmful impact to warrant the refusal of this application. An opportunity exists to provide off street parking provision to nos 9 and 10 St Mary's View and amendments show the potential for this to be possible.

(e) Protected Species:

5.5 A bat scoping survey of the buildings associated with the development was undertaken in February 2012 and then updated in July 2013. A further email of January 2015 has supported the findings of the updated survey in 2013. This concluded that no evidence of bats was found during the first survey and only a single bat dropping was found during the updated survey, and overall, the buildings were considered to have no significant bat roost potential. The proposed development is considered unlikely to have an adverse impact on bats. Nesting Swallows and House Sparrows were recorded using the buildings at the time of survey. The survey advised that because birds were found nesting in the surveyed buildings care must be taken not to disturb nests while they are in use. If work is to commence after the beginning of March the buildings must be secured prior to March to prevent birds starting to nest. The scheme would not have a harmful impact to protected species.

(f) Affordable Housing:

5.6 No affordable housing is being proposed as part of this scheme. Dwellings outside but adjacent to development limits under LDF policy were previously required to be 100% affordable. The Ministerial Statement issued on 28 November 2014 removes the option of Local Planning Authorities to request affordable housing contributions where they relate to small scale developments. As a consequence the amended proposal that has no affordable housing proposal is compliant with the current Government policy.

(g) Public Open Space Contribution:

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

5.8 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)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 housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The changes, which have come into effect from 28 November 2014, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. Therefore no contributions in regard to the off site provision of open space, sport and recreation facilities can be requested in this instance.

(h) Education:

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

5.10 In addition, Policy DP5 of the Development Policies DPD 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.

5.11 NYCC Education have requested an education contribution of £13,596 for primary schools serving the locality of the development. Alternatively if this application is not determined until after the introduction of CIL the scheme would be 'CIL development' and the contribution towards education would be made via CIL.

(j) Drainage and Flood Risk:

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

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

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

5.15 Yorkshire Water and the Council's Senior Drainage Engineer (as part of the previous scheme) have been consulted on the proposal and has not raised any adverse issues in regard to localised drainage/flooding.

(j) Community Engagement:

5.16 The neighbour comments are noted and in response to the points not already addressed above:

(c) The submitted details regarding boundary treatments to the site could be requested via planning condition.

(d) Access to adjacent property during construction is a civil and not a planning matter.

(e) Formalising the applicant's intentions and the layout of the northern portion of the site is currently being discussed with the applicant's agent.

(f) A planning condition clarifying the re-use of the existing materials from demolished structures on site will ensure that the character of the Conservation Area and street scene are safeguarded.

(g) The justification for the agricultural worker's dwelling is set out in 14/01514/FUL.

(i) The structural survey confirms that Barn 4 is structurally sound save for some localised underpinning and a replacement roof structure.

(k) A method statement to be required by condition would be sufficient to ensure that neighbour amenity is protected during demolition of structures on site.

CONCLUSION

5.17 The principle of the scheme is considered acceptable insofar as it delivers sustainable development as defined by the NPPF and provides for sustainable development in terms of policies CP1 and CP2 of the Hambleton Local Development Framework. The development would not have a harmful impact on the character, appearance and visual amenity of the surrounding area and conservation area, nor would the proposal introduce a harmful impact on neighbour amenity. The proposal would not raise any unacceptable adverse highway safety issues. Subject to the completion of a s106 agreement or CIL contribution the scheme would make sufficient contribution towards local education improvements. There is no harmful impact to the development from localised drainage and flood risk issues. The scheme is recommended for approval.

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

6.0 RECOMMENDATION:

That subject to any outstanding consultations and completion of a Section 106 Agreement or in due course the issue of a CIL liability notice 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 drawings and details received by Hambleton District Council on 26 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. Prior to the development commencing, details of the cross section of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details set out on drawing number 3527/VF/019B received by Hambleton District Council on 26 January 2015. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.
9. Prior to first occupation or use of any part of the development hereby approved the Secured by Design details set out in the Secured by Design Statement received by Hambleton District Council on 18 July 2014 shall be implemented in full and retained thereafter.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. 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.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii)(a) The existing access to barn 4 shall be improved by reconstruction in accordance with Standard Detail number E6. (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. (vi) The final surfacing of any private access and parking area shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 3527/VF/019 Rev B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. 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.

15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

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

18. 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.

19. No external lighting shall be installed on site except in accordance with details which have first been submitted in writing to and approved by the Local Planning Authority. Thereafter the external lighting shall be installed in accordance with the approved details.

20. 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.

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, DP28 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. To ensure that the appearance of the windows are appropriate to the character and appearance of the A1 Conservation Area.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

6. In order to protect the amenities of residential property in the locality.

7. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.

8. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.

9. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

10. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.

11. In the interests of highway safety.

12. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. In the interests of local amenity.
17. In the interest of maintaining the character of the area and conservation of existing building materials.
18. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
19. In the interests of local visual and neighbour amenity.
20. 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, the amenities of residential property nearby and the character of the surrounding landscape in accordance with Local Development Framework Policies CP1, DP1, CP16, CP17, DP30 and DP32

2

14/01514/FUL

**Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014.
at Land to the west of Oakbusks Lane Alne North Yorkshire
for Mr T Clark**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the construction of an agricultural workers dwelling and two agricultural buildings at Village farm, Alne. The application site is positioned to the north-west of Alne, and is outside of the development limits. The site is positioned to the west of Oakbusks Lane.

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

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

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

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

1.6 This scheme is associated with the now withdrawn application of 14/01513/FUL and the current application of 15/00153/FUL for the re-development of the existing farmstead between Back Lane and Jack Hole within Alne, and at the end of Jack Hole for housing. This scheme is supported by an agricultural appraisal which has reviewed this concurrent scheme and its implications for the proposed agricultural workers dwelling, and concludes that there is a clear functional need for an additional agricultural workers dwelling.

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

1.8 Amendments to the scheme have been received on 20 October 2014. A 10 day re-consultation on these amendments expired on 7 November 2014. The amendments have introduced energy saving measures to the proposed dwelling and agricultural buildings.

1.9 A public right of way extends along Oakbusks Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings; Withdrawn 2015.

2.2 15/00153/FUL - Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings; Pending Consideration.

2.3 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;

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

4.0 CONSULTATIONS

4.1 Alne Parish Council - Considering the proposals as one given that they are strongly interrelated. Object to the proposal on grounds that: 1. the development is outside of the development limits of the village, 2. impact on Conservation Area, 3. sustainability - limited services (including oversubscribed education provision) and public transport links, 4. insufficient affordable housing provision outside of development limits. (There have been no additional comments since the withdrawal of the earlier residential application)

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

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

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

4.5 Neighbours notified and site notice posted; expired 03.09.2014 - Comments received from 45 respondents in summary mainly concerning:

(There have been no additional comments since the withdrawal of the earlier residential application)

1. Harmful to Conservation Area.
2. Labour requirements inaccurate.
3. Lack of green site notices.
4. No justification for additional dwelling.
5. Location and massing.
6. PPS7 requirements not met.
7. Visual impact to locality.
8. No existing security measures.
9. Would set future precedent.
10. Positioning of proposed dwelling.
11. What happens if business fails_
12. Who will occupy the proposed dwelling_
13. No functional need for permanent dwelling on site_
14. Can use alternative technology to monitor new farm complex.
15. Outside of development limits.
16. Not in accordance with LDF policies.
17. Would change character of Back Lane.
18. Impact on highway safety.
19. Lack of amenities in Alne.
20. Improvements to public footpath network.
21. Condition of Back Lane.
22. Increase in traffic.
23. Alne School at capacity.
24. Support evolving/expanding business.
25. Need to consider alternatives to proposed development.
26. The two planning applications should not be considered as one.
27. Business not strong enough to justify additional dwelling.
28. Overdevelopment of site.
29. Temporary caravan would satisfy residential presence on site during calving as alternative to permanent dwelling.
30. Dwelling too large.
31. Benefits for farm enterprise and rural economy.
32. Disruption during construction phase.
33. Existing farmhouse can satisfy needs of new complex.
34. Security not justification in its own right.
35. Financing of the new farm complex.
36. Would stretch existing utility infrastructure in Alne.
37. Impact on neighbour amenity.
38. New complex has significant advantages over existing complex from animal welfare perspective and efficient running of enterprise.
39. No development on greenfield site.

5.0 OBSERVATIONS

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

5.2 Paragraph 28 of the NPPF states that Local Planning Authorities should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings." It goes on to say

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

5.3 Consideration in this case needs to be given to the "essential" need (NPPF) and the "exceptional" nature of the need (LDF) for a new dwelling on the holding. The existing farmhouse on the existing Village Farm site will continue to provide accommodation for Mr Clark Senior. The proposed agricultural workers dwelling the subject of this application will provide accommodation for Mr Clark Junior. The redevelopment of the existing farmstead for housing and the relocation of the agricultural enterprise west of Oakbusks Lane would move the farm complex out of sight and sound of the existing farmhouse. The agricultural appraisal of the applicant's enterprise has set out the specific needs of the farm enterprise, particularly the implications of moving the livestock to the 'new' complex. In terms of the functional needs of the farm enterprise it is evident that a residential presence is essential on the site in order to provide a required supervision of the livestock enterprises.

5.4 The farm labour force is composed of Mr. Clark whom is semi-retired and his son who is full time. Another son also helps out at peak labour times requirements. A John Nix Farm Management Pocketbook Standard Man Day analysis totalling the entire labour requirement of animals and crops yields a figure of over 300 Standard Man days. As a standard worker is capable of working 275 Standard Man Days the requirement at Village Farm is over 300, or more than 1 full time worker. However that would have to be adjusted upwards as the traditional farm buildings are particularly labour intensive, nearer to 1.5 workers. It should also be born in mind that as the number of calves reaches the maximum of 120 the labour requirement will rise substantially, approaching 2 full time workers. It is therefore appropriate to consider that the "essential" need for the proposed dwelling relates to a full time worker.

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

5.6 Given the justification above and taking into account the relocation of the existing livestock buildings away from the existing farmhouse, as signalled in the application for the residential redevelopment scheme, it is considered that the siting satisfies the functional requirements of the business.

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

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

5.9 The applicant initially supplied to the Council a Unilateral Undertaking to agree the required contribution towards the off site provision of open space, sport and recreation facilities. This legal agreement has yet to be completed and the LDF Policy requirement is now superseded by the Ministerial Statement on 28 November 2014 which removes the option for Local Planning Authorities to request tariff obligations from developments of this size. Therefore the Unilateral Undertaking will not be progressed further.

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

1. The proposed dwelling and agricultural buildings would not harm the character of the Conservation Area.
2. The labour requirements have been scrutinised and are not considered inaccurate.
3. The green site notices were posted in a variety of locations throughout Alne on 13.08.2014.
5. The location of the proposed dwelling and agricultural buildings are positioned close to the existing modern agricultural buildings adjacent Oakbusks Lane and do not unacceptably cause any massing issues to the locality.
8. The existing security measures undertaken at the existing site are not a material consideration in the determination of this application. However it is accepted that a residential presence on a farm holding is beneficial to security.
9. No precedent would be set as each exceptional circumstance in terms of policy CP4 is assessed on its own merits.
11. The future viability is assessed by the financial appraisal of the enterprise to ensure that the likelihood of its failure is minimised. In any event the dwelling could only be occupied by a person fulfilling the agricultural occupancy condition attached to any permission granted.
12. Mr Clark Junior is to occupy the proposed dwelling.
14. Modern technologies supplement but do not supersede the benefits of being within sight and sound of the proposed agricultural enterprise.
20. The proposal does not interfere with the public footpath network, and a condition will be imposed to ensure that this is maintained clear from obstruction at all times.
21. The condition of Back Lane is a matter for the local highway authority to monitor and action where necessary.
25. The role of the Local Planning Authority is to appraise on its own merits the development which is submitted.
26. It is considered entirely reasonable to consider the residential redevelopment of the village site alongside this scheme given the type of this concurrent proposal and the implications it would have on this proposal.
29. A temporary residential presence has not been submitted for consideration.
30. The dwelling is sizeable but is not considered an unreasonable level of accommodation for an agricultural worker and their family.
32. Disruption for a limited period is inevitable during the construction phase however due to the separated position of the proposed dwelling and buildings to adjacent existing dwellings it is not considered necessary to attach an "hour of work" restriction on any permission granted.
35. How the new farm complex is financed cannot be considered in the determination of this application. The viability of the proposed enterprise and its future prospect of remaining so can be considered in this instance.
36. The additional dwelling and buildings would not place an unacceptable burden on utilities within Alne. It is noted that Yorkshire Water have not objected to the scheme.

5.11 The concerns of the neighbours and Parish Council as addressed above are noted however the proposal is considered to satisfy the policies of the Hambleton Local Development Framework in terms of principle, neighbour and visual amenity and highway safety. The scheme is recommended for approval.

SUMMARY

The proposed agricultural workers dwelling and agricultural buildings are considered to be acceptable in this location due to the demonstrable agricultural need and would not raise any harmful visual or neighbour amenity issues. The development would not raise any adverse highway safety issues. The scheme complies acceptably with the above policies.

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 July 2014 as amended by the drawings and details received by Hambleton District Council on 20 October 2014 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 3527/AW/06). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling and no building or other structure shall be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

9. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

10. The agricultural workers dwelling hereby approved shall not be occupied more than 1 month before the completion and stocking of the proposed agricultural buildings unless otherwise agreed in writing by the Local Planning Authority.

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.

4. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.

5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and to control the size of the property in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32 and to ensure it remains of a size that is commensurate to the holding which it serves.

9. In order to soften the visual appearance of the development and provide any appropriate screening.

10. To ensure that there is an essential requirement for the agricultural workers dwelling to locate in this countryside location and to ensure that there is an essential need for a rural worker to live permanently at their place of work in the countryside in accordance with policy CP4 of the Hambleton Local Development Framework and Paragraph 55 of the National Planning Policy Framework.

Parish: Danby Wiske With Lazenby

Ward: Morton on Swale

3

Committee Date : 2 April 2015

Officer dealing : Mr P Jones

Target Date: 10 March 2015

15/00016/FUL

Proposed two storey extension to the rear and side of the existing property as per amended plan received by Hambleton District Council on 2nd February 2015 and 20th February 2015.

**at The Old Chapel Danby Wiske North Yorkshire DL7 0NF
for Mr Richard Allick.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application is for the construction of extensions to a former Chapel building within the centre of Danby Wiske. The proposal as originally submitted proposed the construction of a two-storey rear extension comprising a ground floor dining area and first floor bedroom and two-storey side extension comprising a ground floor lobby/hall and spiral staircase leading to a fourth bedroom to the first floor.

1.2 The site lies to the east of the cul-de-sac road to the north of the crossroads in the village. It is attached to the north by a single storey part of a substantial, otherwise two-storey house. To the south there is a private road serving two other dwellings whilst to the west is a terrace of four cottages.

1.3 Following discussions with the applicants and the receipt of representations from neighbouring residents, amended plans were received which omitted the first floor element of the rear extension due to the adverse impact on the amenity of the adjoining residents. Whilst the amended plans submitted represented an improvement it was still considered that the height of the reduced rear extension, although now single storey, was excessive and would still have impinged upon the light into an adjoining room and the use/enjoyment of part of the neighbour's rear garden. Consequently further amended plans have been prepared which further reduce the height of the structure.

1.4 The former Chapel (see history in section 2 below) was converted, together with the addition of a small rear two-storey extension, to residential use from agricultural storage following a planning permission granted in 1996. Although not a listed building the Chapel does have considerable character and has been considered by the Council's Historic Buildings Officer, to be worthy of inclusion within the list of Non-Designated Heritage Assets. The plans as originally submitted showed a third 'bay' being added to the southern elevation which maintained the ridge line and front elevation of the existing building and fully reflected its style, character and detailing. However, discussions with the Historic Buildings Officer who, ideally would prefer not to see a side extension, has led to discussions with the applicants to amend this element of the scheme also to set the ridge line down and the front elevation set back to fully demonstrate that the side extension is a later addition and did not form part of the original structure. This change is incorporated within the (second) amended plans.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 96/50296/P: Alterations and extensions to existing former chapel used for agricultural storage purposes to form a dwelling.

3.0 RELEVANT PLANNING POLICIES:

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 CP16 - Protecting and enhancing natural and man-made assets

4.0 CONSULTATIONS

4.1 Danby Wiske with Lazenby: Are to be re-consulted on amended plans and have a meeting on 19th March to discuss, any comments will be reported at Planning Committee.

4.2 Historic Buildings Officer: Considers the building worthy of inclusion in the Council's list of Non-Designated Heritage Assets. Would prefer to see no side extension to the property in order to maintain its original form and appearance.

4.3 The application was advertised by site notice on the site boundary and the 10 closest neighbouring residents were consulted. A re-consultation was carried out following the receipt of amended plans. As a result of re-consultations some duplication has taken place but to date responses have been received from and on behalf of 11 households, six objecting to the application three in favour and two making neutral comments. Further amended plans have subsequently been sought and are awaited. A second re-consultation will then be undertaken. The objections received to date relate to the adverse impact on adjoining light and amenity, the impact on the character of the former chapel and accusations regarding the applicant's rights to access and parking on land relating to their property (which are not material planning considerations). The letters of support welcome the extension of a small property for a local family with children who should be encouraged to stay in the village.

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 on the appearance, character and fabric of the building which, as noted above, although not listed is considered worthy of inclusion on a list of Non-Designated Heritage Assets (Policies CP16 and DP28). The impact on adjoining/adjacent residential amenity (Policy DP1) is also important and the contents of the National Planning Policy Framework (NPPF) are relevant in this case.

5.2 It is, nevertheless, important to note the contents of paragraph 135 of the NPPF which states that: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

5.3 To the rear of the property is an existing two storey outshoot from which the proposed single storey extension will project. This projection has a small measurable impact on the daylighting to the neighbouring window. Within the garden of the neighbouring property and along the boundary with the application site is a tall (approx. 2.25m) laurel hedge. This hedge has significantly more impact on the daylighting to the garden ground of the neighbouring garden than the proposed single storey extension as now shown in the amended plans. The proposed development is considered to accord with the requirements of the 45 degree code and will have no significant additional impact on the amenity of neighbouring properties.

5.4 The host building is a fairly diminutive structure which has been converted to form a dwelling house. The application now proposes a two storey extension to the side elevation and a single storey elevation to an existing two storey extension to the rear elevation. The elements to the rear are not readily visible from the public road and as such have little impact on the overall character and form of the building which has some significant architectural merit in its own right. The building has some significant architectural merit and the two storey side extension will erode the overall character and form of the building and detract from the simple architectural form. However, the extension is fairly narrow and subservient to the host building and the detailing of the scheme will match that of the host building. The proposed scheme is not considered to have a significant harmful impact on the overall character and form of the building in this case.

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 contents of the National Planning Policy Framework in that the scale, design and materials proposed are sympathetic to the building and the site location and there will be no demonstrable adverse impact on adjacent residential amenity.

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 OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

6.2 The decision: as recommended at 6.7

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

6.4 Alternative options considered:

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

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

None

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

6.6 Dispensations in respect of Executive Members

(This should always be “none” – if a Member has a dispensation, it is to allow the decision to be taken by Committee)

6.7 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 development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all

windows shall be submitted to and approved in writing by the Local Planning Authority.

3. 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 openings shall be inserted in the northern elevation, including the roof elevation, of the rear extension hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref RA 001(00)2Rev.C) attached to planning application 15/00016/FUL received by Hambleton District Council on 8th January as amended by plan received on 25th february 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Policies CP16 and DP28.

3. In the interest of the amenity and privacy of adjacent neighbours in accordance with Policy DP1.

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, CP16 and DP28.

Parish: Great Ayton

Ward: Great Ayton

Committee Date : 2 April 2015

Officer dealing : Mrs B Robinson

4

Target Date: 16 February 2015

14/02601/FUL

Extensions to dwellinghouse and alterations to the roof space as per amended plans received by Hambleton District Council on 19th March 2015. at 51 Marwood Drive Great Ayton North Yorkshire TS9 6PD for Mr A Banfield.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a semi-detached bungalow with a room in the roof space. The house is mainly rendered and painted, with a brick plinth. At the rear there is a lower wing, forming an L shape. The north side of the house is approximately 6 metres from the boundary. The neighbouring houses are similarly proportioned semi-detached bungalows, each with a lower rear wing.

1.2 To the north, the neighbouring property, no 49, has a high level window, a door and obscure glazed window on the side elevation of the main part of the house and 2 windows in the rear wing which serve a kitchen and a dining room. The dining room has a further window on the inner face of the rear wing. There is a small conservatory on the east gable end. There is public right of way, described as a trod, approximately 3 metres wide, between no 51 and no 49.

1.3 To the south, no 53 is on a corner plot and has a low rear wing, which mirrors that on the application site. No 53 has windows facing the application site on the inner side of the rear wing and there is a 1.8m (approx.) interwoven fence on the common boundary. No 53 also has a window on the outer side of the rear wing, with an open aspect.

1.4 As submitted, the application proposed an extension 5.4 metres wide at the side of the house, and a rear addition with overall dimensions of 4.5 x 9 metres wide, incorporating the footprint of the existing rear wing. The proposed rear roof is ridged and the ridge matches the height of the main house. As submitted the proposal included a gable addition forward of the house.

1.5 An amendment was received which removed the front gable and introduced a half hip on the roof.

1.6 A new amendment has been received which reduces the width of the side extension to 4.5 metres. As now proposed the extension would be 1.97 metres from the boundary and 6.5 metres from the side elevation of no 49. The amended proposal reinstates the gable end on the side of the main roof.

1.7 Materials are intended to be block work and render and concrete tiles, to match the existing.

2.0 RELEVANT PLANNING HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

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

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

4.0 CONSULTATIONS

4.1 Parish Council - would like to see site visit take place

4.2 Neighbours and site notice - Objections:

Overbearing and out of scale, not subservient and not in accordance with SPD, loss of privacy, loss of daylight to no 49, out of place with other properties in the street. Reduction of parking may lead to on-street parking.

Out of keeping and lack of symmetry with attached bungalow. Reduction of parking.

Out of keeping, double existing bungalow - known vehicles include works van and two cars and possible need for car for family.

4.3 Following a first round of re-consultations, observations have been received reiterating the previous objections, and commenting that the changes are limited.

4.5 A fresh set of consultations are in hand with regard to the latest amendments and any further responses will be provided to the Committee on an update list.

5.0 OBSERVATIONS

5.1 The main issue is design, and whether the proposal is appropriate to the existing house, together with any effects on the amenities of neighbouring occupiers and the appearance of the street scene.

5.2 The pitched roof design and intended matching materials are appropriate to the existing house. As amended the design avoids a prominent gable on the front elevation and the profile of the extension within the street scene is relatively modest. It would not be symmetrical with the paired house, but subject to an appropriate roof tile which can be ensured by condition the extension will blend in to the overall street scene and would not justify refusal.

5.3 With regard to the amenities of neighbours, the proposed extension would be 6.5 metres from the side elevation of no 49 and the separation would be similar to that between other properties nearby. Outlook from the affected windows would be reduced by the additional height of the proposed extension, compared with the existing, but it can also be noted that the maximum height of the proposed extension will be at a distance of 11 metres from the windows concerned. The affected windows at no 49 face south, where the sun will always be at its highest, over the proposed extension.

The applicant has submitted details showing the rear extension will be well below the line of 45 degrees upwards from the affected windows, and also that there will be an open angle of view of more than 45 degrees, in a south easterly direction. Whilst these particular angles are not utilised by the Council in their guidance documents, they give a useful indication of the effects.

Overall, due to the distance between the properties, the proposed development will not be unacceptably overbearing from the affected windows at no 49.

5.4 From no 53, the distance to the proposed extension is similar to that from no 49. As a corner house, no 53 has the benefit of an open outlook from the southern window of the same room (based on the typical layout of these houses), and while outlook to the north will be reduced, there will not be unacceptable harm to amenities.

5.5 With regard to the concerns of neighbours, the effect on the outlook from no 49 is discussed above, and as amended, the proposed extension will not have an unacceptable harmful effect on outlook.

The proposal makes use of the atypically wide plot and plentiful amenity space will remain available for occupiers and the proposal is not considered to be over-development of the plot and will not be harmful to the street scene, as discussed above.

The scheme retains a viable garage space and there will be a comfortable car length available in front of the garage and the amount off street parking available is acceptable given the residential nature of the site.

SUMMARY

Due to its design and materials the proposal is appropriate to the existing house and will not have a harmful effect on the amenities of neighbouring occupiers or the wider surroundings and is considered to comply with the above policies.

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:

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) and/or details received by Hambleton District Council on 19th March 2015 unless otherwise agreed 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) CP17 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.

14/02529/FUL

Proposed industrial park development to include access, hard & soft landscaping & means of enclosure as amended by plan received by Hambleton District Council on 16 March 2015.

at Land at Cleveland Industrial Estate, Carr Lane, Sutton-on-the-Forest for Sheriff Hutton Holdings

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members resolved to defer this application at the last meeting of the Planning Committee to seek an increase in the number of car parking spaces and additional turning space for HGVs, facilitated by the removal of 3 of the 14 proposed units. This report assesses the application in its current amended form.
- 1.2 This site is located on Cleveland Industrial Estate to the south of Sutton-on-the-Forest; on the western side of Carr Lane and to the north of the entrance to the Industrial Estate. The site covers an area of 0.94 hectares.
- 1.3 The site is vacant but has previously been used in connection with Class B2 General Industrial and Class B8 Storage and Distribution uses. There is a small number of buildings on the site, mostly in poor condition, and some shipping containers. Part of the site is concreted and partly grass with a variety of boundary treatments throughout including concrete post and wire fencing and timber close boarded fencing. A number of protected trees lie along the eastern boundary. Trees also lie to the west and north; an arboricultural report has been submitted and a scheme of works proposed. Several mature trees towards the northern part of the site would be removed. A landscaping scheme is proposed within the site.
- 1.4 Access to the site is from Carr Lane and also serves other buildings and compounds to the south of the application site from which three existing businesses currently operate. It is proposed to increase the width of the access. The road layout within the site includes a turning head and a footway and allows for potential future access to the site to the north. Parking is proposed at each unit, initially providing a total of 42 spaces, including 14 disability spaces. The scheme has now been amended to provide an additional 12 car parking spaces, resulting in a total of 54 parking spaces for 14 units.
- 1.5 It is proposed to clear the site of all existing development and construct a total of 14 identical industrial units in four blocks. Each unit would have a floor space of 193.75 sq. m with a ridge height of 6.1m. The total floor space would be over 2,700 sq. m. The scheme has not been amended to remove any of the proposed units. The site layout has been amended to include the additional parking spaces. Six of the additional spaces are proposed at the rear of units 2 and 3, close to the entrance of the site. A footpath would be available around the building leading to the main part of the site. Details to illustrate the turning of HGVs have been provided including swept path analysis drawings. The applicant does not consider it necessary to create an additional HGV turning area or remove any units from the scheme.
- 1.6 The walls of the blocks would be finished in brickwork up to 2.1m with plastisol coated panels above and to the roof.
- 1.7 It is proposed to drain the development to a package treatment plant.

- 1.8 The proposed uses are those that fall within Class B1 (Business) and Class B8 (Storage and Distribution). Specific users of the units are not yet established.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 Planning permission has been granted in the past on this site, in 1993 for a workshop extension (93/0985/FUL) and in 1995 for 2 new industrial units (94/51379/P).
- 2.2 The trees on the eastern boundary are subject to Tree Preservation Order No. 1963/26.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development 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 DP34 - Sustainable energy
Development Policies DP43 – Flooding and floodplains
The National Planning Policy Framework – March 2012

4.0 CONSULTATIONS

- 4.1 Sutton-on-the-Forest Parish Council - no reply received (expiry date for representations 2/2/2015).
- 4.2 Highway Authority - no objections to the original plans subject to conditions. Comments on the amended plans are awaited.
- 4.3 Yorkshire Water - This proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. A condition is recommended requiring the submission of additional details.
- 4.4 HDC Environmental Health Officer - The Desk Study report submitted in support of the application reference 14/02529/FUL is satisfactory and makes recommendations for further investigation due to potential risks from contamination. In order to secure this information I would recommend a condition. I would also recommend a condition to safeguard against any unexploded ordnance given the close proximity of the former World War Two airfield.
- 4.5 Site notice/adjacent properties - no comments received (expiry date for representations 16/2/2015).

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the (i) principle of an industrial estate development in this location; (ii) design, including the impact on the character and appearance of the surrounding rural landscape and energy efficiency; (iii) the effect on trees in the vicinity; (iv) the impact on residential amenity; and (v) highway matters.

Principle of development

- 5.2 The site lies outside the Development Limits of Sutton-on-the-Forest and therefore an exceptional case must be made for development in this location. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated.
- 5.3 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas, in order to create jobs. It states that Local Plans should support the sustainable growth and expansion of all types of business or enterprise in rural area. The consideration of the Local Planning Authority would be to determine whether this location is sustainable and/or if an exceptional case exists.
- 5.4 An Economic Study carried out for the Council by GVA (February 2014) shows that, with the loss of the key employment site in Easingwold (EM1), the sub area now has an undersupply of employment land. The Functional Economic Area for Easingwold includes Sutton-on-the-Forest and a re-development of this site to provide additional employment may help to meet some of that identified shortfall. The proposal would have a positive employment impact, and therefore address the economic role of sustainable development defined within the NPPF.
- 5.5 The application site lies approximately 1km to the south of Sutton-on-the-Forest. Had the site been within or on the edge of the village the sustainability of the site would not have been in doubt; it may not however have been considered appropriate in respect of visual impact on the character and appearance of the village or in respect of potential noise and disturbance to local residents. The advantage of a site outwith the village is that there are no such impacts.
- 5.6 There is no footway leading to the application site from any settlement but it is within easy cycling distance of Sutton-on-the-Forest and other nearby settlements including Easingwold, Huby, Crayke and Stillington. There is a bus route with regular buses to and from Easingwold and York. There are therefore sustainable means of travel that are an alternative to the private car.
- 5.7 One of the criteria of LDF Policy CP4 requires development to be "(ii) necessary to secure a significant improvement to the environment". The existing site is quite well screened from Carr Lane and the countryside beyond by the existing trees and landscaping but the site is poor in terms of its visual appearance. The proposed development would upgrade and formalise the area and, as a result, improve the appearance of the site. The development would be more visible and more prominent in the landscape but would be viewed against the existing adjacent development and the existing development on the western side of Carr Lane. The proposed development is therefore considered to be an improvement of the local environment. Criterion vi of CP4 provides stronger support as it permits exceptions to the normal control of development where a proposal would support the social and economic regeneration of rural areas.
- 5.8 On balance it is considered that the economic, social and environmental benefits identified in line with national and local policy justify the use of this site outside the Development Limits of the village and the principle of the development is therefore acceptable.

Design

- 5.9 The proposed layout is a simple J-shape with two blocks of four units and two blocks of three units, all of which would be the same size, design and materials. A buffer is

proposed between the units and the existing trees along the west boundary of the site. Seven of the units would have photovoltaic systems installed on the south facing roofs. The design of the units is acceptable and is of a high standard appropriate for the application site and in accordance with LDF Policy CP17.

- 5.10 Policy DP34 requires all developments above 1,000 sqm to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures. The application does not contain a proposal for sustainable construction and therefore it is recommended that a suitably worded condition be applied in order to ensure that a suitable scheme is implemented.

Trees

- 5.11 The arboricultural report comments that the trees on site collectively provide an excellent visual amenity to the surrounding area although many of the specimens have such a dense covering of ivy that a detailed inspection was not possible. The trees surveyed range in age from semi-mature to mature; the predominant species include poplar, hazel and oak.
- 5.12 Three mature trees, numbered T27 – T29 would be removed on the northern boundary of the site. T28 is assessed within the arboricultural report as being of low quality and value; T27 and T29 are assessed as being of moderate quality and value and attract a higher rating as part of a group rather than being of individual merit. There are no objections to their removal.
- 5.13 It is proposed to remove a total of three trees, numbered T1 – T3, adjacent to the access to allow the access to be widened. Two of these trees are assessed as being of high quality with a good life expectancy but lie at the end of the row of mature trees where their removal would not detract significantly from the surroundings. It was also initially proposed to remove T4, also assessed as being of high quality but as the root protection zone does not extend into the area of access it is proposed to retain it and monitor it closely to ensure its longer term health is not affected by the development. A scheme of works is recommended to ensure the long-term health of the remaining trees and root protection measures are recommended along with an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. A condition should be applied to ensure that recommendations of the JCA Ltd 'Arboricultural Report' are carried out in full.

Residential amenity

- 5.14 The proposed uses for B1 and B8 purposes are unlikely to give rise to noise, smells or pollution that would have an adverse impact on the local community, particularly when the distance from the village is considered. Additional vehicle movements are likely to occur as a result of the development but it is unlikely that a significant number would travel through the village. It is not anticipated that the proposed use would have an adverse impact on the amenity of local residents.

Highway matters

- 5.15 The Highway Authority has no objections to the use of the site for 14 units and no objections to the proposed access improvements, which require the additional culverting of the watercourse that drains under the existing access crossing. Several conditions are recommended.

- 5.16 Policy DP3 requires all proposals for new development to include provision for sustainable forms of transport to access the site. Given the site's relative distance from Sutton-on-the-Forest and other nearby villages it would be appropriate to make provision for cyclists. The application does not make specific provision for cycle parking and shelters. Nevertheless, suitable on-site cycling facilities can be secured by a planning condition.
- 5.17 An additional 12 car parking spaces have been provided resulting in a total of 54 spaces for 14 units. This is in addition to a service vehicle space in front of all the roller shutter access doors. The Highway Authority had no objection to the proposal with 12 fewer spaces and whilst its views on the amended plans are awaited, it is anticipated that they will be supportive.
- 5.18 Detailed drawings of swept path analysis for a 16.5m articulated vehicle have been submitted to illustrate the manoeuvring provision within each of the three parts of the site where vehicles would need to turn. Subject to any further advice from the Highway Authority, these appear to demonstrate that there is adequate space for these manoeuvres to take place within the site, thereby avoiding the need to park HGVs on Carr Lane for unloading purposes.
- 5.19 It is considered that the proposed development would be acceptable in this location and approval of the application is therefore recommended.

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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on drawing number 3645-PD-03 received by Hambleton District Council on 12 December 2014 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. No development shall take place until the works recommended within the Arboricultural Report prepared by JCA Limited, received by Hambleton District Council, has been implemented.
 5. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

6. If unexploded ordnance (UXO) is found or suspected at any time during development all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works shall be undertaken or the development occupied until a risk assessment carried out by an unexploded ordnance (UXO) risk assessment specialist has been submitted to and approved in writing by the Local Planning Authority. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate has been submitted to and approved in writing by the local planning authority.

Advisory Note: A CIRIA publication entitled "Unexploded ordnance (UXO) A guide for the construction industry, report C681" was published in 2009 and provides good practice guidance for the management of risks presented by UXO to the construction industry. The applicant is advised to refer to this guide if UXO is suspected or encountered.

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. Thereafter the approved details shall be implemented and retained.
8. Prior to first use of the development hereby approved a minimum of 28 covered cycle parking spaces shall be constructed on-site. Thereafter these facilities shall be maintained and kept clear for their intended purpose at all times.
9. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings 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.
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 have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved with 15 metre radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 15 metres back from the carriageway of the existing highway shall be constructed in accordance with Standard Detail number A2; e. 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. 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 215metres measured along both channel lines of the major road Carr 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 0.6metres. 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: (i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and (ii) the watercourse has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

13. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing 3645-PD-03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
14. 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.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (iii) On-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 3645-PD-01, 03A, 04A, 05A, 06A and 07A received by Hambleton District Council on 12 and 15 December 2014 and 16 March 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP33.
4. To protect the character and appearance of the existing trees, which are of high amenity value, in accordance with LDF Policies CP16 and DP33.
5. 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.
6. 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.
7. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with LDF Policies CP21 and DP43.

8. To promote sustainable travel patterns in accordance with LDF Policies CP2 and DP3.
9. 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.
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 in accordance with LDF Policies CP2 and DP4.
11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
12. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area in accordance with LDF Policies CP2 and DP4.
13. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
14. 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.
15. 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.
16. 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.