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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 9 September 2015

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 17 September 2015**
Time **10.00 am**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely



Phillip Morton
Chief Executive

To: Councillors
D A Webster (Chairman)
P Bardon (Vice-Chairman)
D M Blades
S P Dickins
G W Ellis
K G Hardisty

Councillors
J Noone
C Rooke
Mrs I Sanderson
A Wake
Mrs J Watson
S Watson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL NOT BE ANY MEMBER TRAINING

**THE MEETING WILL COMMENCE AT 10.00AM WITH AN ADJOURNMENT FOR LUNCH AT 12.00PM
RECONVENING FOR THE AFTERNOON SESSION AT 1.30PM
(PLEASE SEE THE PLANS LIST INDEX FOR FURTHER DETAILS)**

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 20 August 2015 (P.9 - P.10), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 168
Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 20th August, 2015 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Rooke
	D M Blades		Mrs I Sanderson
	S P Dickins		Mrs J Watson
	G W Ellis		S Watson
	K G Hardisty		

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	B Phillips
	C Patmore		

Apologies for absence were received from Councillors J Noone and A Wake

P.9 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 23 July 2015 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 PLANNING APPLICATIONS

The Committee considered reports of the Executive Director 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 Executive Director 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 Executive Director, unless shown otherwise:-

- (1) 15/01189/FUL - Construction of a new dwelling at Land adjacent to (the garden) 9 The Green, Ainderby Steeple for Mr G T B Place

PERMISSION GRANTED

- (2) 15/00513/FUL - Construction of a dwelling as amended by drawings and details received by Hambleton District Council on 10 May 2015 and 12 May 2015 at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

DEFER to negotiate amendments to the design.

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

(The applicant's agent, Chris Dent, spoke in support of the application).

(Dr Gudrun Gaudian spoke on behalf of Alne Parish Council objecting to the application.)

(Ian Darby spoke objecting to the application.)

- (3) 15/01055/OUT - Outline application for the construction of a detached dwelling with some matters reserved (considering access and layout) at Oak Dene, Burneston for Mr W Greenwood

PERMISSION GRANTED

- (4) 15/01323/FUL - Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business at Dalton Lane, Dalton for Mr J Binks

PERMISSION GRANTED

(The applicant's agent, Charles Shaw, spoke in support of the application).

- (5) 15/01324/FUL - Construction of dwellinghouse at Dalton Lane, Dalton for Mr J Binks

DEFER to allow further discussions with the applicant's representatives.

(The applicant's agent, Charles Shaw, spoke in support of the deferral).

- (6) 15/01500/FUL - Revised application for the demolition of existing building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking (reduction in car parking spaces from 36 to 35) at Stillington Road, Easingwold for McCarthy & Stone Retirement Lifestyles Ltd

PERMISSION GRANTED

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

- (7) 15/01126/FUL - Conversion and extension of existing buildings to create a single dwelling (revised scheme) at Eldmire Hill, Ox Close Lane, Eldmire for Mr and Mrs Richardson

PERMISSION GRANTED

- (8) 15/00190/FUL - Conversion of barn to form two bedroom dwelling including part demolition of section of building at The Barn, Main Street, Helperby for Live Love Local Ltd

PERMISSION REFUSED because the introduction of a new dwelling in a location to the rear of existing dwellings would result in additional noise and disturbance which would harm the amenity of neighbouring occupiers, this would be contrary to the provisions of the Local Development Framework Policies CP1 and DP1 and the requirements of the NPPF which expects a good standard of residential amenity for existing and future occupiers.

(The applicant's agent, Diane Baines, spoke in support of the application).

- (9) 15/01477/FUL - Construction of an extension to provide additional changing rooms at Bedale Athletic & Sports Association, Leyburn Road, Bedale for Bedale Athletic & Sports Association

PERMISSION GRANTED

- (10) 15/01595/FUL - Retrospective application for the removal of existing window into store area and replace it with a serving hatch and the installation of additional decking to rear at Main Street, Sutton-on-the-Forest for Rose and Crown

PERMISSION GRANTED with the removal of Condition 3.

(The applicant, Stuart Temple, spoke in support of the application.)

- (11) 15/01444/MRC - Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07) at 18 Byland Avenue, Thirsk for Mr and Mrs Snelling

DEFER for site visit.

(The applicant's agent, Alec Cropper, spoke in support of the application).

- (12) 15/01090/OUT - Outline application for a single dwelling for Pilcher Homes Ltd for Pilcher Homes Ltd at Land adjacent to West House, Thrinftoft, North Yorkshire DL7 0PL

PERMISSION GRANTED

(Wendy Horn spoke objecting to the application.)

- (13) 15/01259/FUL - Demolition of existing agricultural barn and construction of a three bedroom dwelling at Ivy Cottage, West Rounton for Mr and Mrs Mann

PERMISSION GRANTED

The meeting closed at 3.45 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 17 September 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 Executive Director. 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 Executive Director 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
Executive Director

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 17th September 2015

Morning session (10:00 – 12:00)

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/01335/FUL Mrs B Robinson East Cowton Page no. 11	Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing For: Mr Mike Rogers At: White House Farm Great Smeaton RECOMMENDATION: GRANT
2	15/01268/FUL Mrs C Davies Raskelf Page no. 27	Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing For: Mr Mike Rogers - Big60Million Ltd At: Boscar Grange Farm, Easingwold RECOMMENDATION: GRANT
3	15/01074/FUL Mrs C Davies Sandhutton Page no. 45	Installation of 18Ha (5MW) Solar Farm For: Mr David Meehan (Elgin Energy EsCo Ltd) At: Land North of Sandhutton Lane, Sandhutton RECOMMENDATION: GRANT
4	14/02578/OUT Mr P Jones Stokesley Page no. 59	Outline application for the construction of 25 residential dwellings with all matters reserved excluding access For: Northumbrian Land Ltd At: White House Farm, Stokesley RECOMMENDATION: GRANT

Afternoon session (13:30 start)

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
5	15/01469/FUL Mrs H Laws Aiskew Page no. 71	Construction of a single storey 2 bedroom dwelling For: Mr Brian Follen At: 38 Leases Road, Leeming Bar RECOMMENDATION: REFUSE
6	15/00513/FUL Mr A J Cunningham Alne Page no. 75	Construction of a dwelling For: Mrs Sally/Helen Craggs/Coverdale At: Birdforth House, Main Street, Alne RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	15/01509/FUL Mrs C Davies Huby Page no. 83	Change of use from dwellinghouse to a Bed and Breakfast For: Mrs Amanda Pavis At: Rowan Brea, Sutton Road, Bell Lane, Huby RECOMMENDATION: GRANT
8	15/01063/OUT Mrs C Davies Huby Page no. 87	Outline planning application for the construction of a 4 bedroom dwelling For: Mrs Amanda Pavis At: Rowan Brea, Sutton Road, Bell Lane, Huby RECOMMENDATION: GRANT
9	15/01543/OUT Mrs H Laws Kirkby Fleetham with Fencote Page no. 95	Outline application for the construction of a dwellinghouse For: Mr D Ward At: Land to the south west of Prospect House, Great Fencote RECOMMENDATION: GRANT
10	15/00959/FUL Mrs S Leeming Knayton with Brawith Page no. 103	Change of use of dwelling to a care home, Class C2 (8 residents) For: Action4Care Limited (Mr Robert Hadfield) At: Northfield, Oaktree Bank, Knayton RECOMMENDATION: GRANT
11	15/01306/MRC Mrs B Robinson Low Worsall Page no. 109	Removal of occupancy restriction condition (3) on application 13/00912/FUL For: Mr & Mrs P Neasham At: Ship Service Station, Low Worsall RECOMMENDATION: GRANT
12	14/02450/FUL Mrs H Laws Sutton-on-the-Forest Page no. 113	Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure For: The Luxury Lodge & Holiday Company Ltd At: Land to the east of Willow Dene, Sutton-on-the-Forest RECOMMENDATION: GRANT
13	15/01361/FUL Mrs H Laws Thimbleby Page no. 135	Construction of a detached holiday cottage For: Mrs P Franks At: The Reading Room, Thimbleby RECOMMENDATION: GRANT
14	15/01444/MRC Mrs H Conti Thirsk Page no. 141	Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07) For: Mr and Mrs Snelling At: 18 Byland Avenue, Thirsk RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
15	15/01000/FUL Mrs S Leeming Thirsk Page no. 145	Demolition of office building and construction of 5 dwellings and associated infrastructure For: St. James Management Company At: St James Lodge, Masonic Lane, Thirsk RECOMMENDATION: REFUSE
16	15/01334/FUL Mrs S Leeming Thirsk Page no. 151	Construction of 3 dwellings with garages For: Mr Mark McColmont At: 131 Long Street, Thirsk RECOMMENDATION: REFUSE
17	15/01693/MRC Mrs H M Laws Thirsk Page no. 155	Proposed variation of condition 02 (to increase the number of holiday lodges from 11 to 34) of previously approved scheme (11/01989/FUL) for a change of use of an agricultural nursery to a caravan park (holiday lodges) with associated hardstanding, parking and landscaping. For: Evergreen Park Ltd. At: Hollin Barn Nurseries, Sutton Road, Thirsk RECOMMENDATION: GRANT
18	14/02152/FUL Mr A Cunningham Tollerton Page no. 165	Placement of temporary mobile home for 3 years For: Mr Robert Elstone At: OS Field 4578, Sykes Lane, Tollerton RECOMMENDATION: REFUSE

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15/01335/FUL

**Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing as amended by plans received by Hambleton District Council on 1st September 2015.
at White House Farm Great Smeaton North Yorkshire DL6 2NF
for Mr Mike Rogers.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The location is approximately half way between Great Smeaton and East Cowton. The development site consists of two parcels of land, totalling 40 hectares, north of the Great Smeaton - East Cowton road. The larger (approx. 30 ha) lies north of White House Farm and the smaller (approx. 10 ha) lies approximately 300 metres to the west. The wider site includes a cable route between the sites, two temporary construction compounds and an access track. The total area is 50 ha, mainly cultivated.
- 1.2 Between the two parts of the site is a north-south link road connecting the Great Smeaton - East Cowton road and the B1263 to the north, which leads onto the A167. The site is relatively level. Beyond the eastern part of the site the land rises gently to the north and north east. To the south west of the smaller part of the site the East Coast Main Line runs along an embankment. A high pressure gas main crosses the eastern part of the site, also a fibre optic cable and an overhead power line.
- 1.3 The closest dwellings are Dardenelle House on the road junction between the two sites, Frigidale, opposite White House Farm, and Frigidale Lodge approximately 160 metres south-east of the smaller site, Low Magdalen, on the road south east of the large site, Stone Riggs on the west side of the north-south link road, and Haswell Grange and Plantation House, to the north west and north of the larger part of the site.
- 1.4 There are three Listed Buildings in the vicinity. The Manor and the Manor Stables (with separate listings), approximately 850m to the east and the former station, now a house, immediately adjacent to the railway to the west. All are Listed Grade II.
- 1.5 As submitted, the proposed solar farm would have the capacity to generate 28.1 MW, the equivalent of the annual electrical requirements of approximately 7,714 average homes and would save approximately 10,946 tonnes of CO₂. It would have a lifespan of 25 years and then be removed. Following amendments to remove one field from the western block, the output is 27.4 MWp. It is expected to generate approximately 24 MWh of electricity pa, enough to meet the needs of approximately 7516 homes pa. It is expected to avoid approximately 10,665 tonnes of CO₂ pa (net of CO₂ generated in its manufacture, transport and construction). As amended the fenced site area is 37.87 ha
- 1.6 The solar arrays would be arranged in rows, orientated to the south, with intervening gaps of 4.3 - 6.9 metres. The individual units are described as "thin-film PV modules". They would be a dark blue colour and mounted on aluminium posts. Their maximum height would be 2.5 metres (2.7 in places, depending on the topography). Swales are proposed to improve surface water run-off and reduce flood risk on site.
- 1.7 Other proposed structures are: 17 double inverter platforms (for power conversion), a transfer station (to regulate electricity flow), 3 collecting stations (housing switch

gear), 4 auxiliary transformers (to convert high to low voltage), 6 energy storage containers (batteries), 2 general storage containers (for maintenance equipment etc.), perimeter fencing (maximum height 2m), a CCTV monitoring system on 65 3.5 metre poles to be integrated with the perimeter fence, a 3 metres high monitoring pole with camera, 6 communication boxes with 2.5 metre high antennae, 3 wind and 6 irradiation sensors mounted on arrays (to monitor non-sunlight irradiation from the sun), and underground cabling.

- 1.8 The proposal includes 2 temporary construction compounds, to include staff facilities and storage of goods and equipment. The surface of the compound would be covered by a heavy-capacity ground protection matting system. There would be temporary lighting within the compounds but no lighting would be used during the operational period of the solar farm. The construction period is expected to be 20 weeks.
- 1.9 Access to the larger (eastern) part of the site is proposed by means of a new access track from the south, approximately 20 metres to the east of an existing field access. A hedge would be realigned to provide the necessary visibility. The existing access is to be closed up. The smaller (western) part of the site would be accessed during the construction period via an existing field access to the east, with a new permanent access for the completed development from the south.
- 1.9 The application indicates that construction traffic would approach from the north via the A167 and the B1263 and exit eastwards towards the A167 at Great Smeaton. Maximum HGV trip generation is expected to be approximately 16 per day (weeks 1-4) declining to approximately 6 per day during weeks 5 -16, reducing further in the final weeks of the construction period. Most staff would arrive in crew buses, up to 10 per day, together with a small number of managerial cars/vans.
- 1.10 The application is accompanied by the following reports:
- Transport statement
 - Statement of community involvement
 - Planning design and access statement
 - Noise impact assessment
 - Landscape and visual impact assessment
 - Heritage assessment
 - Glint and glare study
 - Flood risk assessment
 - Preliminary ecological assessment
 - Decommissioning method statement
 - Biodiversity management plan
 - Alternative site assessment
 - Agricultural assessment
 - Construction Method statement

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00568/SCR Screening opinion request for Solar farm. EIA not required.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy 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 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 DP6 - Utilities and infrastructure
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP26 - Agricultural issues
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework

4.0 CONSULTATIONS

4.1 East Cowton Parish Council – objects:

1. The applicant claims the PC were consulted this is incorrect. They were made aware of a public presentation at which several technical questions were asked by individual members as well as members of the public and the representatives were unable to answer several of them. No request to attend a PC meeting and clarify these issues has been received to date and the only recent offer was for a telephone call with council members this was not what was requested as it was the members of the public who had asked for a Q and A session to address their concerns.
2. The proposed site is spread over two separate areas unlike any other application seen by HDC and this has been done for purely economic grounds with no regard to the visual impact and increased level of inconvenience to the local life.
3. Does this application meet the latest guidance and technical requirements for the type of plant used? The proposed plant type is being investigated by Oxford, Cambridge and Liverpool universities for a possible health risk from ionisation and the effect on respiratory systems. Two properties sit directly between the two sites and five more are in close proximity.
4. Does the land fall within the guidelines regarding the use of good quality agricultural land and the impact on this sites current animal feed requirements and waste by-product disposal? What enquiries were made by the agent to limit the site to the land between Millers Lane and the railway line or land less than a mile away which was formally used as industrial land? None would seem to be the answer, as the driving factor would seem to be speed and cost.
5. Generators are mentioned within the application - are these for temporary lighting during construction or does the applicant mean invertors associated with the solar plant.
6. The proposed traffic management shows no evidence of any local knowledge with both site accesses being on blind bends requiring significant hedge removal to meet visibility requirements. The route from site to Great Smeaton which is a bus route has a number of very tight bends and is narrow with a high level of risk when a truck meets a bus and is not wide enough to allow them to pass safely. This it was felt would cause significant damage to both the verges and the carriageway. What is the width of this road as maintained by NYCC highways as

it would seem impossible for a bus and large HGV to pass without encroaching on the grass verge. This area needs further investigation.

7. Within the application pack the applicant states they looked at a number of alternative sites and rejected one in the Darlington area as too small. This site seems to be of a similar size to the proposed one, which is made up of two separate locations, so why was this one chosen? Is it perceived as likely to receive the least resistance?

The objection concludes “As you can see some challenging issues have been raised, but I do have to say the general feeling was that solar farms and alternative energy solutions are needed but that this particular site is poorly thought out and would have a negative impact on the local community. A single site with good road access for construction would be far more suitable and the local consultation was at best a PR exercise rather than an open and honest overview of the site specifics. We urge that this application is rejected in its current format.”

- 4.2 Great Smeaton Parish Council – comments awaited.
- 4.2 Highway Authority - conditions requested.
- 4.3 Environment Agency - no objection.
- 4.4 NYCC Archaeology - support for the removal of the area of possible archaeological interest from the development. Monitoring conditions are recommended.
- 4.5 Historic England - no objection, the application should be determined in accordance with national and local policy guidance and specialist conservation advice.
- 4.7 Swale and Ure Internal Drainage board - queries the flood risk assessment's assumptions. (This is the subject of correspondence with the applicant and further information is expected.)
- 4.8 National Grid - no objection.
- 4.9 Civil Aviation Authority - confirm consultation is not applicable.
- 4.10 RAF Linton on Ouse – comments awaited.
- 4.11 Tees Valley airport – comments awaited.
- 4.12 National Air Traffic Service (NATS – comments awaited.
- 4.13 Ministry of Defence - no safeguarding objections.
- 4.14 Natural England - no statutory sites are affected. Standing advice on protected species is provided.
- 4.15 Yorkshire Wildlife Trust – comments awaited.
- 4.16 Yorkshire Water - attention is drawn to water mains which may need protecting or diverting. Condition requested.
- 4.17 Environmental Health Officer - no objections on noise or contamination grounds.
- 4.19 NYCC Sustainable Drainage officer - no objection with respect to surface water management and flood risk.

4.20 Neighbours – 24 in support, 6 objecting.

The grounds for support are mainly the environmental benefits of renewable energy, and also benefits to wildlife; no harm being caused to dairy operation; good diversification; the land is of poor quality; and proximity to substation is beneficial.

The grounds of objection are:

Traffic hazard, especially on narrow lanes where HGVs and farm vehicles could not pass. Lanes are used by horse riders, cyclists and pedestrians. Increased traffic will worsen hazard including at junctions with the main road, where traffic takes sharp bends very fast and there are many accidents, even deaths.

Intrusive appearance, industrial character in rural surroundings, including fencing and camera poles.

Disruption during construction period from noise, traffic and lighting.

Loss of agricultural land – it should be growing food and its loss would be contrary to recent comments of Environment Secretary.

Farm supplies will have to be brought from further afield.

Harm to wildlife

Concerns relating to the hazardous gas pipeline running through the site.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application relate to:

- The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification
- Environmental benefits of the scheme
- Landscape impact including visual impact and landscape character.
- The cumulative impact of this and other solar schemes
- Impact on Heritage Assets including archaeology
- Drainage and flooding
- Ecology
- Neighbour amenity
- Access and construction issues

Principle of the Development

5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".

5.3 Paragraph 93 notes that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". This positive attitude to renewable energy is reiterated in paragraph 14, which states that

any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.

5.4 Paragraph 97 goes on to state that local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" and that they should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
- Secure the development of such sources; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions. Policy CP16 "Protecting and Enhancing Natural and Man-made Assets" specifically refers to best and most versatile agricultural land in its introductory text and states:

"Development or activities will not be supported which:

- i Has a detrimental impact upon the interests of a natural or man-made asset;
- ii Is inconsistent with the principles of an asset's proper management;
- iii Is contrary to the necessary control of development within nationally or locally designated areas."

5.6 In terms of best and most versatile agricultural land, an agricultural appraisal has been submitted demonstrating that the majority of the area (88%) is grade 3b (moderate) grade land, 10% is classed as 3a (good) and a very small area (1%) is grade 2 (very good). An alternative site assessment has been submitted showing that possible sites with grade 4 land were not suitable, due to their insufficient size, and identified brownfield sites were similarly insufficient. The study indicates that in the long term, it would be practicable to return the land to productive agricultural use. Overall therefore, the proposed site can be considered to be suitable for further consideration under other relevant policies.

Environmental Benefits of the Scheme

5.7 The proposal is a solar farm, capacity is given as 27.4 MW (as amended) and is stated to be (as submitted) the equivalent of the annual electrical requirements of approximately 7516 average homes and resulting the saving of approximately 10,665 tonnes of CO₂ pa and is in accordance with the aims of CP18

5.8 Additional landscaping measures, including trees and hedges are proposed which would support the natural environment and which have the potential to outlive the predicted life of the solar farm, in accordance with CP16 and DP30.

Landscape Impact

- 5.9 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes. The National Planning Practice Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.
- 5.9 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to assess the effect of the proposed development upon the landscape and visual resources of the site. It concludes that the proposed development would be a prominent feature in views experienced by users of the local road to the west, and to the south, the east coast mainline and parts of the road south of Cowton Fields farm, all within 500 - 800 metres of the site. Some direct views would be possible from close quarters at certain points. Visibility would be reduced over time as existing and proposed hedgerows mature.
- 5.10 The LVIA indicates the most affected neighbouring properties would be Old Station House and Haswell Grange due to relatively open views, however once planting reaches maturity the effect will be reduced and none of the properties will be affected to the extent that the proposed development is so oppressive or overbearing that the property would be rendered an unattractive place to live.
- 5.11 The Council has engaged consultancy advice to assess the LVIA, the proposed landscaping and the effects on sensitive receptors. The consultant advises that:
- The submitted Landscape and Visual Impact Assessment (LVIA) is generally fair and accurate.
 - The proposed array has less impact than its overall size suggests.
 - There are some concerns about the submitted landscape proposals and their adequacy in mitigation of effects, mainly on road users on the north-south link road, and the Great Smeaton - East Cowton road, particularly with regard to the eastern array.
 - Additional landscaping should be provided, including additional trees in the western hedgeline of the smaller part and along the watercourse on the eastern side of the smaller part.
 - A belt of trees on the western boundary of the larger site, where it extends close to the road, is also recommended.
- 5.12 The applicant has submitted amended plans to provide additional landscaping, which has been agreed as acceptable by the Council's consultant. Neighbours have expressed concerns about the intrusive effect and industrial character of the development, however the Council's Landscape consultant considers the amended landscaping plans to be acceptable and the proposal is considered to be adequately screened so as not to have an unacceptable effect on the open character of the rural surroundings.
- 5.13 In terms of landscape character, the proposed development is contained within existing field boundaries, and follows their shape. It would retain existing hedges and the underlying land would retain its essentially agricultural character, allowing for some modest agricultural usage (potential for cropping hay, and/or grazing) whilst the development is in use, with potential to be returned to full agricultural use once the proposed development ceases. It would be clear to a passer-by that the site was an agricultural field within which solar power generation was taking place, while the proposed landscape mitigation measures would limit the visual impact of the development in the interim.

The character of the countryside is also influenced by the nature and scale of activity and is a matter of perception. The proposed landscaping, once grown, would limit views of the solar farm and therefore reduce public awareness of it. However, it would not be possible to conceal it completely, particularly where the site extends to the roadside, and particularly while screen planting is immature. Views would be 'in passing' and for the majority of the population, the full extent of the solar farm would not be readily apparent. It is therefore considered that the development would not result in a significant change in the perceived character of the countryside and the overall landscape character would remain agricultural. Taking this into account it is not considered that the proposal would amount to substantial harm that would conflict with Policy DP30 of the LDF.

Cumulative Impact

- 5.14 The National Planning Practice Guidance states that the approach to assessing the cumulative impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. In this case, there is no existing or planned development of this type in the vicinity.

Impact on Heritage Assets

- 5.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.16 A Heritage Assessment (HA) is submitted with the application. It considers the effect of the development on the setting of the Listed Buildings at Old Station and Smeaton Manor. It concludes in the case of the Old Station that significance is related primarily to the railway and the relationship to the village of East Cowton. In the case of Smeaton Manor the important parts of the setting are considered to be the secluded gardens and which are surrounded by dense woodland belts separating the house from the surrounding fields. In the case of the Smeaton Manor Stables, the importance of the setting is suggested to be their contextual association with the manor house and grounds and not the wider landscape.
- 5.17 Historic England does not object to the proposal on heritage grounds and suggest it be determined in accordance with national and local policy guidance and on basis of (internal) conservation advice. A review by the Councils Conservation officer identified key concerns as being the setting of the Old Station, including the approach from the east towards the Station, and suggested that views of the Station would be compromised by this development.
- 5.18 It was also suggested that the proposed solar panels would take away from the special landscape quality of views from the station. The Conservation Officer's review notes that the Heritage Statement is correct in identifying 'less than substantial harm' to the setting of the Station, but that NPPF paragraph 134 states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.19 The Heritage statement was therefore considered to be lacking in not identifying a public benefit. It was presumed that the public benefit would be the provision of

renewable energy, however this does not override the desire to sustain and enhance the significance of the Heritage Asset, particularly where alternative options have not been thoroughly considered. It is suggested that in this case, the option of removing the arrays in the south portion of the site to another location be considered.

- 5.20 In response to these issues, the applicant has removed the solar arrays from the southerly field in the west block. As a result the development would be at least 375m from the Listed Building. A photomontage demonstrates that the solar panels would not be in view on approach from the east towards the Listed Building. An updated heritage statement is awaited and any further comments of the Councils Conservation Officer will be presented to the meeting.

Archaeology

- 5.21 Following a geophysical survey, the submitted Heritage Statement identifies one clear area of archaeological interest, a ring ditch, on the eastern part of the site. Two further areas of potential interest are poorly defined but cannot be excluded from the possibility of archaeological interest. Pre-application investigations had shown an area of significant archaeological interest and the submitted Heritage Statement proposes omitting the relevant area from the development. Amended plans have been submitted which omit this area of interest (a ring ditch) from the development.
- 5.22 The NYCC Historic Record Team recommend a scheme of archaeological mitigation recording for the remainder of the development. Subject to the imposition of a condition, the scheme would accord with the relevant provisions of the NPPF and Policy DP29.

Drainage and Flooding

- 5.23 A flood risk assessment has been submitted. It identifies the majority area of the proposed development as located in Flood Zone 1 with a small portion in the SE being zone 2 and zone 3. No solar array or equipment is proposed in the latter area, and this is part of the scheme now withdrawn from the proposal. The flood risk assessment identifies areas, mostly within the smaller site, where there is a high risk of flooding from surface water, mostly from drainage ditches around the site.
- 5.24 The flood risk assessment identifies that the spacing of the arrays will allow for natural drainage and there will be little additional surface water flow. It proposes to introduce swales in the lower areas of the site to intercept extreme flows, which may already run off site, as a form of 'betterment'.
- 5.25 The consultation response from the SuDS officer at NYCC does not raise concerns about the development with respect to surface water management and flood risk. The response of the Swale and Ure Internal drainage board (IDB) queries some of the calculations, and access to their facilities. Further correspondence from the IDB suggests that notwithstanding theoretical assessments, a detailed, dimensioned, large scale plan showing byelaw strips, swales and proposed access arrangements for the boards contractors might form a framework around which an agreement might be struck.
- 5.26 It will be for the applicant to agree any necessary arrangements with the Internal Drainage Board, and any implications with regard to the details of the scheme can be considered as necessary.
- 5.27 The major part of the site being in Flood Zone 1, and the SuDS officer being satisfied that surface water does not raise concerns, the development is acceptable in terms of flood risk and the requirements of Policy DP43 would be met.

Ecology

- 5.28 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.
- 5.29 The application is supported by an Ecological Appraisal that identifies the site as having mainly improved grassland fields with low ecological value. It recommends protection measures to avoid impacts on hedgerows and mature trees during the construction period, and to prevent pollution through increased run-off. Habitat enhancement is proposed to include management of the existing grassland with wildflower grassland planting on site to maximise its ecological value and infilling of hedgerows to improve connectivity. Bird and bat boxes are also proposed.
- 5.30 Some observations by neighbours suggested the scheme would be harmful to wildlife, however Implementation of the proposed enhancement measures would lead to a net biodiversity gain at a local level, and this can be ensured by condition. It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

Neighbour amenity

- 5.31 One of the core planning principles of the National Planning Policy Framework and the Local Development Framework is to secure a good standard of amenity for existing and future occupants of land and buildings; this is consistent with LDF policy DP1. The site has some residential properties in the vicinity.
- 5.32 The submitted Landscape and Visual Impact Assessment (LVIA) includes a Residential Amenity assessment . It identifies the nearest properties (range from adjacent to the site to 830 metres) and shows that the development, where it would be visible, would be viewed mainly from first floor and/or be partially screened by trees and hedges and/or would occupy less than 90 degrees of the available view. The assessment identifies that the nearest properties Old Station and Haswell Grange will be most affected, due to relatively open views of the solar farm, however once existing and proposed planting approaches maturity, the resultant screening would lead to a reduction in visual effects. Dardenelle House, Stone Riggs and Low Magdalene would have views of parts of the solar farm though intervening vegetation and other features provide screening, reducing the likely effects. It concludes that none of the properties would be affected to the extent that the proposed development is sufficiently “oppressive” or “overbearing” as to be rendered an unattractive place to live.
- 5.33 A ‘glint and glare’ study submitted with the application indicates that solar reflections could be experienced by houses nearby and where they occur would be for a maximum of approximately 20 minutes per day and would be significantly less bright than the direct sunlight available at the relevant time.
- 5.34 The potential for noise and other disturbance during the construction period has been raised by neighbours, however this will be a relatively limited period and would not justify refusal. Operational noise has been considered under additional survey information supplied and is not objected to by Environmental Health officers, and on this basis is considered not to cause unacceptable harm to amenity on grounds of noise.

- 5.35 Overall, the development will not cause unacceptable harm to amenity, in accordance with policy DP1.

Access and construction issues

- 5.36 The applicant has provided a construction, decommissioning and traffic management method statement. Access to the site would be via existing roads and new tracks as set out in the application.
- 5.37 Concerns have been raised by neighbours and East Cowton Parish Council regarding highway safety, especially during construction. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The Highway Authority has assessed the scheme and has raised no objections, subject to appropriate conditions. The applicants have agreed to a condition to provide temporary passing places on the link road, which will help minimise inconvenience to road users arising from construction traffic. There is scope for a traffic management plan, expected by the applicants, to provide for onsite management of traffic. Buses appear to be approximately 2 hourly and there is scope for this to be taken into account. The submitted ‘glint and glare’ study indicates that any reflections would not interfere with drivers view in their direction of travel.
- 5.38 It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

Additional neighbour and Parish Council concerns

- 5.39 Neighbours have expressed concerns about taking land out of production and the implications for accommodating the existing farm business. Additional information from the farmer at White House Farm suggests it is intended to utilise smaller equipment to take a hay crop from the land, resulting in smaller vehicles using the lane or if that does not prove feasible, the intention is to diversify into sheep. The farmer suggests that currently there is a good working relationship with local landowners regarding the exchange of fodder etc. and disposal of manure, and any additional traffic, would be very local.
- 5.40 The hazardous gas pipeline through the site is taken into account in the layout of the site, and it will be the obligation of the developers to ensure that the safety requirements of the pipeline.
- 5.41 Alternative local sites suggested by East Cowton Parish Council have been rejected by the applicant as not being available. The submitted Alternative Site Assessment takes into account urban fringe sites but notes that they are compromised by prospective allocations under the developing local plan in Darlington, or in one case due to the variety and type of existing development on site, and did not outweigh the advantages of the proposed site, including the provision of an on-site grid connection.
- 5.42 In terms of safety of the solar arrays, it will be for the regulatory bodies concerned to address any issues that arise, and in the absence of any specific evidence to the contrary refusal on these grounds would not be justified.

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. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted is for the development to be retained for a period of not more than 25 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details (to be enumerated) received by Hambleton District Council on (to be listed) unless otherwise agreed in writing by the Local Planning Authority.
4. Within 6 months of the end of the 25 year period granted by Condition (2), the solar panels shall be decommissioned and they and all related above and below ground structures, equipment and materials shall be removed from the site. No later than 12 months before the decommissioning of the solar panels, a decommissioning and restoration scheme for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The scheme shall make provision for the removal of all above and below ground components and the land shall be returned to agricultural use consistent with its status as Best and Most Versatile agricultural land. The approved scheme shall be implemented within 6 months of the restoration scheme being approved in writing by the Local Planning Authority or such other period as the Local Planning Authority may approve in writing.
5. 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 the landscaping plan received by Hambleton District Council on 7 August 2015 ref Northallerton_001_C Landscape 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), other than that hereby approved, no fencing or means of enclosure shall be erected within or around the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.
7. Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown on Drawing Reference Northallerton Solar Farm_P18_AP_RevA. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority for a minimum distance of 15 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water

from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

9. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway verge for Access 1 and 3 shall be constructed in accordance with the approved details Northallerton Solar Farm_P18_AP_RevA and submitted Construction Method Statement; 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; f. That part of the access(es) extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; h. The final surfacing of any private access within 15 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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 90 metres measured along both channel lines of the major road C1 from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. Provision of two passing places on the U2199 between the C91 (Great Smeaton to East Cowton road) and the B1263; (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority: a. Provision of two passing places on the U2199 between the C91 (Great Smeaton to East Cowton road) and the B1263.
13. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference Northallerton Solar Farm_P03_CC_RevC); b. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

14. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway C1 and U2199 has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.
16. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.The approved areas shall be kept available for their intended use at all times that construction works are in operation.
17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
18. The development hereby approved shall not be implemented except in accordance with a scheme for the management of construction traffic which has been previously approved in writing by the Local Planning Authority.
19. (A) No demolition/development shall take place/commence until a Written Scheme of Investigation in relation to Archaeology has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
20. The output of the solar farm hereby permitted shall be less than 50mW and an electricity generation report demonstrating how this will be achieved upon full

connection to the grid shall be submitted to and approved in writing by the Local Planning Authority before the date when electricity is first exported to the electricity grid (First Export Date). The measures identified in the approved electricity generation report shall be implemented in full until the development is decommissioned.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of the open character of the rural surroundings, in accordance with Local Development Framework Policy CP16 and DP30.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
4. To enable the Local Planning Authority to regulate and control of the site and to ensure that the land can revert to its Best and Most Versatile agricultural use at the end of the temporary permission.
5. 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 CP16 and DP30.
6. In the interests of the amenities of the rural surroundings in accordance with Local Development Framework Policy CP16 and DP30.
7. In accordance with policies CP2 and DP4 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
8. In accordance with policies CP2 DP4 and in the interests of highway safety.
9. In accordance with policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with policies CP2 and DP4 and in the interests of road safety.
11. In accordance with policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
12. In accordance with policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
13. In accordance with policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with policies CP2 and DP4 and in the interests of highway safety and visual amenity.
15. In accordance with CP2 and DP4 and in the interests of highway safety and the general amenity of the area.

16. In accordance with policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
17. In accordance with policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
18. In the interests of highway safety in accordance with Local Development Framework Policy CP2 and DP4.
19. In accordance with Local Development Framework policies CP16 and DP29 and NPPF section 12.
20. Planning permission for solar farms of 50mW or more may only be permitted by the Secretary of State and therefore any output of 50mW or more would constitute unauthorised development.

Parish: Raskelf

Ward: Raskelf

2

Committee Date: 17th September 2015

Officer dealing: Mrs C Davies

Target Date: 20th September 2015

15/01268/FUL

Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing

For Mr Mike Rogers - Big60Million Ltd.

At Boscar Grange Farm, Easingwold, North Yorkshire

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on an 87.3 hectare site at Boscar Grange Farm to the east of the A19. The site is approximately 780m east of the village of Raskelf, 1.9km south-east of Thormanby, 1.8km north of Easingwold and 2km southwest of Husthwaite. A new access would be created to the site off the A19, south of the existing access to Boscar Grange Farm.
- 1.2 The closest un-associated residential dwellings to the site are at the Abbotsway Boarding Kennels adjacent to the western boundary of the site, Paddock View 50m to the west, Boscar Moor Farm 190m from the southern boundary, Timber Tops 205m to the south, Throstle Nest and Red House 200m and 300m respectively to the north-east, Springfield farm 365m to the east, Boscar Flats 390m to the north and Highfield House 500m to the north.
- 1.3 The site has an Agricultural Land Classification identified as Grade 3. Further assessment shows 94% of the land is Grade 3a classified as Best and Most Versatile, 3% is Grade 3b classified as Moderate and the remainder is non-agricultural land.
- 1.4 The site is relatively flat and is used for arable production. There is a ditch with well-established boundary hedges and trees. Adjoining land is used for agricultural purposes.
- 1.5 The site is not located within an Area of Outstanding Natural Beauty or within the Green Belt and there are no Sites of Special Scientific Interest within 500m of it. The Howardian Hills AONB lies approximately 1.5km to the east of the site.
- 1.6 There is a Grade II listed milepost located on the A19, 220m to the east of the site, but there are no other Listed Buildings or Ancient Monuments within 500m. A Public Footpath crosses the site in an east-west direction. The site is located mainly within Flood Zone 1 with the ditch to the east of the site outside the developable area, lying in Flood Zones 2 and 3.
- 1.7 Solar photo voltaic panels, with a combined energy generation capacity of approximately 49.9 MW would be installed. The fixed, mounted solar panels would have a maximum height of 2.5m above ground level and at the lower end would be 0.85m above the ground. The panels would measure approximately 6.1m in depth. The areas between them would be capable of some agricultural use, with sheep grazing, bee keeping and arable production (including fruit and vegetable growing) identified by the applicant.

- 1.8 The panels would be frameless thin modules coated in dark blue film to have a 'lake like' appearance when viewed from a distance to maximise daylight absorption, and thus minimise glint and glare.
- 1.9 The panels would be attached in rows aligned east-west across the site at an angle of 15 degrees, to optimise daylight capture. Ancillary structures comprise 24 double inverter platforms; a transfer station to monitor grid access and current flow; 5 stations to collect energy and house switchgear and meters; and 6 energy storage containers.
- 1.10 The site is proposed to be enclosed by wire mesh perimeter fencing 2m high, with 92 security cameras mounted on 3.5m high poles on boundary and 3m high pole mounted camera to monitor the health of the arrays; and 3 wind sensors and 6 irradiation sensors, to monitor solar radiation, mounted on the sides of the arrays.
- 1.11 Swales are proposed to improve surface water run-off and reduce flood risk on site.
- 1.12 The solar farm would be decommissioned after a period of 30 years.
- 1.13 Community benefits include the opportunity for local residents to invest in the solar farm and the applicants point to employment opportunities generated in the construction and maintenance requirements at the site.
- 1.13 This application is accompanied by the following reports:
- Landscape and Visual Impact Assessment
 - Alternative Site Assessment
 - Ecological Appraisal
 - Flood Risk Assessment
 - Statement of Community Involvement
 - Biodiversity Management Plan and Tree Protection Plan
 - Agricultural Assessment
 - Noise Impact Assessment
 - Glint and Glare Study
 - Heritage Assessment
 - Construction, Decommissioning and Transport Statement
- 1.14 The applicant has provided a Heritage Addendum broadening the scope of assessment and additional noise information in response to requests from the Council.
- 1.15 The applicant has revised the proposal to remove the solar panels from the field (2.38 Ha) at the north eastern corner of the site and to form an orchard and wildflower grassland in this location.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02544/SCR – Environmental Impact Assessment not required; January 2015.
- 2.2 15/00318/FUL – Installation of 11 hectare solar farm and associated infrastructure, land south of Highfield House, Peter Hill, Raskelf (adjacent to this site); Granted 25 June 2015.

3.0 NATIONAL AND LOCAL 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 DP6 - Utilities and infrastructure
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP26 - Agricultural issues
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP43 - Flooding and floodplains
 Sustainable Development Supplementary Planning Document – Adopted 7 April 2015
 National Planning Policy Framework – published 2012
 National Planning Practice Guidance
 UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future

4.0 CONSULTATIONS

- 4.1 Raskelf Parish Council – no objection in relation to the village or residents of Raskelf. However reservations are expressed regarding the size and close proximity of the solar farm to two properties.
- 4.2 Easingwold Town Council – wish to see the application approved, but note the comments of statutory bodies around environmental impact, biodiversity and landscape
- 4.3 Thormanby Parish Council – to be reported.
- 4.4 Husthwaite Parish Council – to be reported.
- 4.5 NYCC Highways - conditions are recommended regarding construction traffic access, routing, mud on the highway and a highway condition survey.
- 4.6 NYCC Public Right Of Way (PROW) Team - no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way. An informative should be applied to this effect.
- 4.7 Environment Agency – based on information submitted we have no objection to this development. To protect against flooding we recommend that flood sensitive equipment, including any grid connection, is raised off the ground as high as practically possible. Surface water run-off from the proposed development site should be managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere.

- 4.8 NYCC Archaeology – The Heritage Statement prepared by Cotswold Archaeology includes a desk based assessment and geophysical survey. The report has assessed the potential for archaeological remains within the development boundary and the archaeological potential of the site is considered to be low. Accordingly, there is no known archaeological constraint.
- 4.9 Historic England – Initial comment: the submitted Heritage Assessment does not provide sufficient information on the impact of the development on surrounding heritage assets and further information should be provided. Following the assessment of additional information, no objections are raised and the application should be determined in accordance with local and national guidance.
- 4.10 Natural England - The proposed development comprises 84ha of agricultural land, including 79.3ha classified as 'best and most versatile'. The development will result in the permanent loss of some agricultural land due to the construction on the operational access track and 24 Double Inverter Platforms. However, the majority of the site however will accommodate solar arrays which are considered 'soft uses' that will not result in the permanent loss of best and most versatile land. The application is time limited to 30 years, after which the land would be returned to agricultural activity. Natural England welcomes the opportunities to continue farming activities (sheep grazing and beehives) between the arrays.
- 4.11 Howardian Hills AONB Manager – The separation distance to the AONB would be significant, but there would still be long distance views. The most significant view would be from the double bend on the on the minor road at Thornton-on-the-Hill, between High House Farm and Thornton Hill Farm which is part of the national cycle route. The proposal makes no attempt to improve the hedges or woodland areas around the site to help break up views of the site and this issue should be addressed.
- 4.12 The Ramblers Association – comments awaited.
- 4.13 NYCC Sustainable Urban Drainage Systems (SUDS) Officer – No objection to the proposals with regard to surface water management,
- 4.14 Kyle and Ouse IDB – The development is near to and would discharge into an IDB watercourse. IDB consent will be required for this along with works, access and easement agreements and a minimum of 7 days notification is required.
- 4.15 Senior Drainage Engineer – The application site is located mainly in flood zone one and the developed area is all located in flood zone one. There is no susceptibility to surface water flooding of note in the area proposed to be developed. The development will introduce impermeable areas in the form of solar panels which will occupy approximately 25% of the developed area. The panels will be suspended above ground level so the ground area will potentially still be available for rainfall to soakaway. The construction of the solar panels means that there will be intermediate gaps between panels, this will help to increase the distribution of rainfall flowing down the panels and will improve permeability overall. The applicant has provided a Flood Risk Assessment, which includes the introduction of swales as mitigation measures for potential surface water flooding; the use of the low weight construction vehicles to mitigate against compaction of soil surfaces and post construction remedial measures of harrow and seed be undertaken to all areas trafficked by construction vehicles. The construction of the solar panels with the proposed mitigation measures will not increase flood risk.

- 4.16 Yorkshire Wildlife Trust – The Biodiversity Management Plan for the area set aside for biodiversity looks effective, it is essential that the plan is conditioned in detail. The Biodiversity Management Plan includes a section on monitoring and it is vital that the local authority receives and assesses the monitoring reports. The Yorkshire Wildlife Trust would also be interested to see the results of monitoring as there is little information or research currently on the impact of solar farms on biodiversity and the effectiveness of various mitigation measures. Some research is ongoing but the effect of solar panels reducing both rainfall and sunlight on areas of the field over many years is not yet known. It is possible that vegetation growth under the panels will be limited and there may be impacts on soil and soil erosion. We would appreciate some more information on the management of the three other sections, especially the area set aside for research and discovery for use by York University. Currently the information available is insufficient to determine the potential impacts on biodiversity of the management styles and suggest any improvements that could be made.
- 4.17 National Grid – comments awaited.
- 4.18 Police Architectural Liaison Officer – comments awaited.
- 4.19 Environmental Health Officer – There would be potential for noise nuisance to be created and a full BS 4142 assessment is required to be undertaken by a competent qualified acoustician. This should demonstrate that levels at noise sensitive premises would be 5 dB below background noise levels. Following an assessment of additional information it is concluded that there would be no significant adverse affect upon residential amenity.
- 4.20 Ministry of Defence – no safeguarding objections to the proposal.
- 4.21 National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 4.22 Members of the public - 7 responses supporting the proposal and 6 objecting on the following grounds:
- The application was poorly advertised;
 - Loss of greenfield/agricultural land;
 - More appropriate sites are available;
 - The development is too large and would have a negative cumulative impact with the approved solar farm at Peter Hill;
 - Adverse visual impact upon the surrounding landscape including AONB;
 - Highway safety concerns, especially during construction;
 - Adverse impact upon amenity of the Public Footpath meaning it would not be used;
 - Impact upon the residential amenity of neighbouring properties;
 - Impact upon wildlife;
 - Properties will be unsellable;
 - Loss of tourism; and
 - Noise and light pollution.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application relate to:

- (a) The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification;
- (b) Environmental benefits of the scheme;
- (c) Impact on landscape and the character of the countryside;
- (d) The cumulative impact of this and other solar schemes;
- (e) Impact on Heritage Assets;
- (f) Drainage and flooding;
- (g) Ecology;
- (h) Archaeology;
- (i) Neighbour amenity;
- (j) Access and construction issues; and
- (k) Impact on the Public Right of Way.

Principle of the Development

- 5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".
- 5.3 Paragraph 93 notes that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". This positive attitude to renewable energy is reiterated in paragraph 14, which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.
- 5.4 Paragraph 97 goes on to state that local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" and that they should:
- Have a positive strategy to promote energy from renewable and low carbon sources;
 - Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
 - Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
 - Secure the development of such sources; and
 - Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions.
- 5.6 The online National Planning Practice Guidance (NPPG) directs developers to look sequentially at suitable and available land including previously developed and non-agricultural land over Greenfield land and Best and Most Versatile Agricultural Land,

when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states:

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

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

5.7 The Government’s position is further explained in a published speech of 25 April 2013 in which the then Minister for Energy and Climate Change, Gregory Barker MP, said to the solar industry “Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation.”

5.8 The above extract from the Minister’s speech is quoted in the Council’s April 2015 Sustainable Development Supplementary Planning Document. It echoes the government’s requirements that consideration be given first to brownfield land and rooftops prior to solar farms being located on higher quality agricultural land.

5.9 The application site consists of agricultural land that is classified as category 3a (94%), 3b (3%) and the remainder is non-agricultural land. Grade 3a is considered to be the Best and Most Versatile agricultural land (BMV). The Hambleton District is mainly Agricultural Grading 2 and 3, with small areas of Grade 1 and 4 land. The NPPF, at paragraph 112, states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Development Plan policy CP16 “Protecting and Enhancing Natural and Man-made Assets” specifically refers to BMV in its introductory text and states:

“Development or activities will not be supported which:

- i. Has a detrimental impact upon the interests of a natural or man-made asset;
- ii. Is inconsistent with the principles of an asset’s proper management;
- iii. Is contrary to the necessary control of development within nationally or locally designated areas.”

In this regard, BMV is clearly an asset that would normally be protected under this policy.

5.10 The applicant states that 82 ha required for the solar farm represents one quarter of the arable land owned by the farm business. They have submitted information stating that the use of the Grades 3a and 3b land is considered necessary, given the available land grades in an assessment of alternative sites around the available grid connection. Grid connection is considered to be an issue that may offset the relative harm though use of BMV, in that large scale solar farms need to be located where they can connect to the grid. Therefore if the only feasible connections are in areas of BMV, use of lower graded land may not be practical. The applicant intends to continue agricultural use on the site and encourage bio diversity by working with

Askham Bryan College and students to use areas of the site for sheep grazing, bee keeping and arable production (including fruit, vegetable growing) and with York University to carry out research aims in agriculture, horticulture and sustainability.

- 5.11 It is noted that the development would be temporary (30 years) and the use reversible and the proposal would not lead to an irreversible loss of agricultural land irrespective of land quality. This argument has been accepted by Planning Inspectors and the Secretary of State in considering appeals relating to BMV and also by this Council in the determination of applications for solar farms at Ainderby Steeple and at Highfield House, Peter Hill, Raskelf adjacent to this site, all subsequent to, and so amending, the position set out in 2013 and noted in paragraphs 5.7 & 5.8 above.
- 5.12 The policy position set out nationally in NPPF and expanded on in NPPG and locally in the LDF and the Sustainable Development SPD is a clear in-principle preference for the use of lower graded land. National guidance requires that alternative sites are sequentially tested in order to demonstrate why lower grade land or brownfield land cannot be used instead of BMV. The applicant has provided an assessment of 49 sites and after filtering, two sites remained: one at Dalton Airfield, which comprises higher grade agricultural land than the subject site, and another at Aram Grange, south of Asenby, which is allocated for minerals purposes in the County Minerals and Waste plan and crossed by footpaths. They state that the sites would be significantly further from the Hushwaite substation making connection more costly and complex. The applicant intends to continue agricultural use on the site and encourage bio diversity and the use is temporary. The proposal would meet the requirements of national and local policy and guidance and would reflect recent appeal decisions in terms of the assessment of BMV land.

Environmental Benefits of the Scheme

- 5.13 The proposal would generate enough clean electricity to power 13,772 typical households. The solar farm would avoid 19,543 tonnes of carbon dioxide emissions associated with electricity generation each year.
- 5.14 Measures are proposed to boost bio-diversity and ecology on-site in conjunction with Askham Bryan College and the University of York.

Impact on Landscape and the Character of the Countryside

- 5.15 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes.
- 5.16 Similarly, the UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future requires as one of four guiding principles that “Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them”. The National Planning Practice Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.
- 5.17 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to assess the effect of the proposed development upon the landscape and visual resources of the site. The assessment concluded that the development

would have most impact within a distance of up to 1 km and that the low lying topography and landscape enhancement measures would limit this impact. It acknowledged that the development would be visible from sections of the Howardian Hills AONB.

- 5.18 LDF Policy DP30 seeks to ensure that the character and appearance of the countryside is protected. Policy DP30 requires that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Similarly the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.19 The site is especially visible from the A19 especially when travelling north where the road is at a higher level, from the Public Right of Way (PROW) cutting through the middle of the solar farm and there are some views from the AONB. The Council has engaged consultancy advice to assess the LVIA, the proposed landscaping and the effects on sensitive receptors. The consultant advises that:
- The LVIA submitted is a thorough and professional assessment.
 - Despite the size of the proposed array, the site would be little more visible than the recently approved Peter Hill solar farm.
 - Most views would be occasional and intermittent and mostly from local roads due to the presence of hedges and hedgerow trees.
 - The mitigation scheme should ensure the elimination of remaining views including from nearby properties as identified in Residential Assessment.
 - The most affected receptors would be users of PROW crossing the site and a robust double hedge mitigation would be a minimum requirement.
 - The small extension in the eastern field could be omitted and planted in native planting.
 - Concerns are raised with mitigation proposals: the eastern and western boundary is too uniform and further work would be required to ensure they are acceptable.
 - In addition views from the AONB should be mitigated through planting.
- 5.20 Further work under taken by the applicants include the provision of an orchard area to the A19 boundary, double hedge screening along the PROW and removal of solar panels from a field, to the north east of the site, which will now be planted as an orchard and wildflower grassland. On the basis of this advice it is concluded that the scheme could be successfully integrated into the landscape and views from the AONB mitigated by condition.
- 5.21 In terms of landscape character, the arrays would be set within the existing field boundaries of the site, which is relatively flat, they would face south and be side on to the A19. Existing hedgerows would not be removed, only gapped up and new areas of landscape would be planted, including new hedges along existing field boundaries. As such the basic landscape structure of the site would be retained. The development would continue the agricultural use of the site, as set out by the report, and would be largely screened from near and more distant views by existing and proposed boundary treatments, as concluded by the Landscape Consultant. Glint and glare would be minimised by surface coating of the panels and also by the aforementioned boundary treatments. Taking this into account it is not considered that the proposal would amount to substantial harm required to conflict with Policy DP30 of the LDF.
- 5.22 The character of the countryside is also influenced by the nature and scale of activity and is a matter of perception. The proposed landscaping, once grown, would limit views of the solar farm and therefore reduce public awareness of it. However, it

would not be possible to conceal it and as indicated above, views would be possible from the A19 and the public right of way. These would, however, be temporary and passing and for the majority of the population, the full extent of the solar farm would not be readily apparent, even when considered alongside the recently approved site at Highfield House. It is therefore considered that the development would not result in a significant change in the perceived character of the countryside.

Cumulative Impact

- 5.23 The National Planning Practice Guidance states that the approach to assessing the cumulative impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.
- 5.24 This application is in close proximity to the south and east of the Peter Hill solar farm site. The application at Boscar Farm is for an 87ha solar farm, 84ha being area developed the solar panel area taking the total area of solar farm in the area to approximately 95ha.
- 5.24 The Landscape Consultant advises that recent approval of the Peter Hill solar farm and its associated landscaping benefits this site as far as visual impacts to the north and west (from the A19) is concerned. Taking into account the flat nature of the site and the Consultant's view that successful landscape mitigation is achievable via condition, it is considered that this would limit the cumulative impact of the schemes when taken together and would not amount to substantial harm to the character of the countryside resulting in conflict with Policy DP30.

Impact on Heritage Assets

- 5.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal.
- 5.26 The site is located approximately 215m from the Grade II Listed milestone on the A19. The milestone would be at a sufficient distance from the solar farm and would be effectively screened by the boundary hedge to the A19 and therefore its setting would not be adversely affected by the proposal. Historic England requested that an assessment of more distant heritage assets including Listed Buildings, their settings, and Conservation Areas be carried out by the applicant. The applicant subsequently submitted a Heritage Addendum assessing the likely impact on 19 assets identified by English Heritage and concluded that no harm would arise to any of them. The Addendum goes on to state that the character and appearance of the identified Conservation Areas would be preserved and that the special historic interest and setting of the Listed Buildings (including Newburgh Priory) would not be adversely affected by the proposal. Following an assessment of this information, Historic England raises no objections to the development but request that the development be limited for a temporary period of 30 years. Taking this into account it is not considered that the proposal would conflict with the provisions of the Act, with the NPPF or with Local Policies CP16 and DP28.

Drainage and Flooding

- 5.27 The majority of the site and the whole of the developable area is located in Flood Zone 1 and as such should not suffer from river flooding.
- 5.28 In terms of surface water drainage it is noted that the solar panels would be constructed with intermediate gaps which would help increase the distribution of rainfall and increase the permeability of the site. Swales are proposed to prevent surface water run off. No objections have been raised by the Senior Drainage Engineer and subject to a condition to ensure measures for surface water disposal are implemented, the scheme would not have an adverse impact on drainage and flooding and the requirements of Policy DP43 would be met.

Ecology

- 5.29 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.
- 5.30 Concerns have been raised by residents that wildlife would be adversely impacted by the proposal. The site is not subject to any biodiversity or conservation designations and a Phase 1 Habitat Survey has been undertaken and it does not identify the site as being of particular value in biodiversity terms. Some protected species have been identified by the report and a series of ecological and biodiversity enhancements and mitigations are proposed by the applicant including to improve and promote habitats, and they could be secured by condition if permission is granted.
- 5.31 It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

Archaeology

- 5.32 NYCC Historic Record Team advises that the archaeological potential of the site is low and there are no archaeological constraints. No issues are raised in relation to the relevant provisions of the NPPF and Policy DP29.

Amenity of neighbouring properties

- 5.33 One of the core planning principles of the National Planning Policy Framework and the Local Development Framework is to secure a good standard of amenity for existing and future occupants of land and buildings. The site occupies a relatively isolated location in open countryside although there are properties in the vicinity.
- 5.34 Concern has been raised by neighbours at Timber Tops, Boscar Moor Farm and Highfield House that their residential amenity would be adversely affected by the development. An assessment of the likely impact has been submitted by the applicant. The closest residential properties to the site are the two at Boscar Grange in the centre of the site. They are The Cottage (a bungalow) and the Farmhouse and they are within the ownership of the applicant. Due to the surrounding flat land and intervening landscaping they would have filtered views of the solar farm. Paddock View and the Abbots Way Boarding Kennels are the closest unrelated properties. Paddock View is a bungalow which is well screened from the proposal by a thick evergreen hedge and it would have very limited views of the site.

Abbots Way would have some views from the upper floors, the impact of which would be reduced by intervening vegetation and buildings within their curtilage.

- 5.35 The assessment highlights that Boscar Moor Farm (190m away) and Boscar Flats (390m away) would be the properties that would be most affected in terms of views, due to relatively open views of the site. Boscar Moor Farm would have direct limited views from the ground floor and the garden mitigated by landscape, but would have open views from upper floor windows, although the site would be seen in the context of numerous pylons. It is considered that these views would be mitigated by factors including separation distance and landscape mitigation. Boscar Flats would have limited views from the ground floor and garden and full views from upper floor windows which would also be seen in the context of the pylons and telegraph poles. Throstle Nest, Springfield House and Red House would all have views of the parts of the solar farm, although intervening vegetation reduces likely affects. Timber Tops (205m to the south), is partly surrounded by a thick evergreen hedge, and would have views from the rear upper floor, but this would be mitigated by agricultural buildings to the rear and distance. Concerns have also been raised by a neighbour to north, at Highfield House (500m away), although this property is set on higher ground and the garden screened by high evergreen hedging which would restrict adverse impact upon the outlook of this property. It is noted that there is no right to a private view in planning practice and therefore that a reason for refusal would not be sustainable on this basis. The nearest properties to the scheme are at Abbots Way and Paddock View and given the separation distances to these properties, and intervening landscape, it is not considered that the solar arrays would be overbearing or oppressive to the occupiers, or indeed to occupiers of other surrounding properties located at further distances from the site boundary.
- 5.36 Concern has been expressed regarding noise impacts and the potential for day time noise generation from the invertors placed within the site. Additional noise information was supplied to Environmental Health by the applicant and following an assessment Environmental Health state that the majority of surrounding properties will not be adversely affected in terms of noise and that the properties which would be most affected are within the site (Boscar Grange Farm and Bungalow) and that they would not be affected significantly. They conclude that residential amenity would not be significantly adversely affected by noise as a result of the proposal.
- 5.37 It is anticipated that there would be some noise and disturbance associated with the construction and decommissioning phases; however, this would be for a limited duration. A condition could be applied to control night-time lighting. Other concerns regarding the difficulty of selling properties are not planning considerations. Taking the above into account the proposal meets the expectations of Policy DP1.

Access and construction issues

- 5.38 The applicant has provided a Transport Statement which includes proposed routes for construction traffic. Access to the site would be via a new access created off the A19 to the south of the existing farm track. The Highway Authority has assessed the information and is satisfied that the access would be achievable. The Authority raises no objections subject to conditions being applied including visibility splays, routing of construction traffic.
- 5.39 Concerns have been raised with regard to highway safety, especially during construction. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The Highway Authority has assessed the scheme and has raised no objections. It is therefore considered that the proposed development would

not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

Impact upon the Public Right Of Way (PROW)

- 5.40 A Public Right Of Way crosses the site and concern has been raised by local people that the amenity of route would be harmed by the proposal, leading to the route not being used. The PROW would remain in place and would not be diverted as part of the proposal. Amended details show additional landscaping to the PROW to include a double hedge along its length, as requested by the Council's Landscape Consultant, to protect the amenity of walkers on the route. Taking this into account it is not considered that the amenity of the PROW would be harmed.
- 5.41 Any response received from the Ramblers Association will be reported to Committee.

Other Issues

- 5.42 Concern has been raised that the proposal was not advertised widely. The Council put up two site notices and published an advertisement in the press and notified nearby Parish Councils in addition to Raskelf. Before submitting the proposal, the applicant carried out a community consultation event in May 2014, wrote letters to 300 properties within 200km of the site and placed an advertisement in the Easingwold Advertiser. Concern has also been raised that the proposal would adversely affect tourism. However, both the Landscape Consultant and AONB Manager accept the scheme could be successfully integrated into the landscape following the submission of an additional landscape details, mitigating any wider visual impact and it is not considered that the proposal would significantly adversely affect tourism.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted is for the development to be retained for a period of not more than 30 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council submitted on unless otherwise approved in writing by the Local Planning Authority.
 4. Within 6 months of the end of the 30 year period granted by Condition (2), the solar panels shall be decommissioned and they and all related above and below ground structures, equipment and materials shall be removed from the site. No later than 12 months before the decommissioning of the solar panels, a decommissioning and restoration scheme for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The scheme shall make provision for the removal of all above and below ground components and the land shall be returned to agricultural use consistent with its status as Best and Most Versatile agricultural land. The approved scheme shall be implemented within 6 months of the restoration scheme

being approved in writing by the Local Planning Authority or such other period as the Local Planning Authority may approve in writing.

5. No external lighting (including night time lighting) shall be installed on the site without the prior written consent of the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected within or around the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.
7. Prior to construction of panels or buildings details of landscape species and heights at time of planting pursuant to drawing numbered shall be submitted to the Local Planning Authority and approved in writing. The approved species and heights shall then be implemented as part of the landscape plan unless otherwise approved in writing by the Local Planning Authority.
8. No part of the development shall be used after the end of 12 months from the date when electricity is first exported to the electricity grid (First Export Date) unless the landscaping scheme shown on the landscaping plan numbered 1931/REP/009 received by Hambleton District Council on 29 June 2015 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.
9. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E2; 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 highway; f. That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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.
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 215 metres measured along both channel lines of the A19 major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05-2.00 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.
14. Prior to the commencement of development detailed measures for the mitigation, enhancement and monitoring of ecology on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented within 12 months of the date when electricity is first exported to the electricity grid (First Export Date). The agreed monitoring and feedback and appropriate mitigation measures shall be supplied to the Local Planning Authority and the approved additional mitigation shall be undertaken thereafter.
15. Prior to construction of buildings and installation of panels and notwithstanding the information provided in the application, specific drainage details and details of the management of the land relating to the area covered by the proposed solar panels and the full details relating to the SUDS shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage details shall be implemented and retained.
16. Prior to construction of panels or buildings the developer shall submit for approval details to the Local Planning Authority for the reduction in the opportunity for crime within the site. Thereafter the approved measures shall be implemented.
17. Prior to the commencement of the use of the development full details of how the future agricultural use of the application site will be operated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.
18. The output of the solar farm hereby permitted shall be less than 50mW and an electricity generation report demonstrating how this will be achieved upon full connection to the grid shall be submitted to and approved in writing by the Local Planning Authority before the date when electricity is first exported to the electricity grid (First Export Date). The measures identified in the approved electricity generation report shall be implemented in full until the development is decommissioned.

Reasons:

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 redundant structures are not retained in the landscape and to ensure that the land is returned to unobstructed agricultural use
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.

4. To enable the Local Planning Authority to regulate and control of the site and to ensure that the land can revert to its Best and Most Versatile agricultural use at the end of the temporary permission.
5. In order to protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32 and safeguard the residential amenity of neighbours.
6. In order to protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
9. In the interests of highway safety and the general amenity of the area.
10. In the interests of highway safety and the general amenity of the area.
11. In the interests of highway safety and the general amenity of the area.
12. In the interests of highway safety and the general amenity of the area.
13. In the interests of highway safety and the general amenity of the area.
14. To protect and enhance existing species and habitat on the site and in the interests of bio-diversity, landscape character and visual amenity in accordance with the provisions of the NPPF.
15. In order that the site is properly drained and would not have an adverse effect on watercourses or increase the risk of flooding elsewhere in accordance with policy DP43 of the Hambleton Local Development Framework.
16. To minimise the risk of crime in accordance with policy CP20 of the Hambleton Local Development Framework
17. To ensure there is an optimal use of the agricultural land in accordance with the National Planning Policy Framework.
18. Planning permission for solar farms of 50 MW or more may only be permitted by the Secretary of State and therefore any output of 50 MW or more would constitute unauthorised development.

INFORMATIVE - ADJACENT PUBLIC RIGHTS OF WAY

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

The approved compound areas shown on drawing reference "York Solar Farm_PO3_CC_RevA" shall be kept available for their intended use at all times that construction works are in operation.

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Parish: Sandhutton

Ward: Thirsk

3

Committee Date: 17 September 2015

Officer dealing: Mrs C Davies

Target Date: 29 September 2015

15/01074/FUL

Installation of a 18 Ha 5MW solar farm and associated infrastructure at Land North of Sandhutton Lane, Sandhutton, Thirsk for Mr David Meehan (Elgin Energy EsCo Ltd).

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on an 18 hectare site north of Sandhutton Lane. The site is located approximately 900m to the north of Carlton Miniott and 790m to the east of Sandhutton. A new access would be created to the site off Sandhutton Lane, near to the junction with Bullock Lane.
- 1.2 The closest un-associated residential dwellings to the site are Breckenbrough Grange located 237m to the north of the site and Mowbray Farm, 165m to the south.
- 1.3 The site has an Agricultural Land Grading of 3b, which is not considered to form part of the 'Best and Most Versatile' land.
- 1.4 The solar farm would be laid out in an 'n' shape, skirting around a higher section of land. The topography of the site is gently undulating with falls towards a water course, Dow Dike Stell. The site consists of arable land and it is bounded in part by well-established boundary hedges and trees. Adjoining land is used for agricultural purposes.
- 1.5 The site is not located within an Area of Outstanding Natural Beauty or within the Green Belt and there are no Sites of Special Scientific Interest within 500m of it.
- 1.6 There are several Listed Buildings in Sandhutton Village and Woodhouse Field Farm House to the north-east is Grade II Listed. Sandhutton Cross, a scheduled ancient monument is located approximately 780m away to the south east. Flood Zones 2 and 3 surround the water course, Dow Dike Stell, which is located within the perimeter of the site, although the majority of site falls within Flood Zone 1. There are a number of land drains in the vicinity. A Public Bridleway (Carr Lane track) lies adjacent to the east and south of the site and the Network Rail mainline tracks are sited 540m to the north-east of the site.
- 1.7 Solar photo voltaic panels, with a combined energy generation capacity of approximately 5MW are proposed to be installed. The panels would be mounted in double horizontal rows and would have a maximum height of 2.8m above ground level and at the lower end and they would be 0.8m above the ground. Each panel would measure approximately 1.9m x 1m x 0.05m. The panels would be attached to mounting frames at a fixed angle of no more than 25 degrees and they would face south.
- 1.8 The glass surfaced panels are designed to maximise daylight absorption, and minimise glare potential.
- 1.9 Ancillary structures comprise three inverter substations measuring 3m in height and 1no. primary substation, 6m in height. The site is proposed to be enclosed by a 2.4m

high post and wire fence, with security cameras mounted on 3m high timber poles at regular intervals inside the security fence.

1.10 The solar farm would be decommissioned after a period of 25 years.

1.11 This application is accompanied by the following reports:

- Landscape Impact and the character of the countryside
- Ecological Appraisal
- Flood Risk Assessment
- Archaeological Desk Based Assessment
- Statement of Community Involvement
- Biodiversity Management Plan
- Tree Survey
- Agricultural Land Classification Report
- Glint and Glare Assessment
- Construction Traffic management Statement

1.12 Following advice from English Heritage an assessment of the significance of heritage assets and the impact upon them has been provided and an assessment of the impact upon them.

1.13 Following request from the Case Officer submissions have been made to address the following issues:

- A statement of demonstrating the need to use the agricultural land; (see paragraph 5.8)
- A revised landscape land with more robust mitigation; (see paragraph 5.15)
- Revised proposals to deal with surface water drainage (see paragraph 5.23)

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 15/01219/SCR – Environmental Impact Assessment not required; September 2015.

2.2 15/00416/FUL – 2 rows of solar panels at Herbs Unlimited, Sandhutton Growers. Approved May 2015. This is approximately 800m south west of the site.

3.0 NATIONAL AND LOCAL 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 DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP26 - Agricultural issues
Development Policies DP28 - Conservation

Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP43 - Flooding and floodplains
Sustainable Development Supplementary Planning Document – Adopted 7 April 2015
National Planning Policy Framework – published 2012
National Planning Practice Guidance
UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future

4.0 CONSULTATIONS

- 4.1 Carlton Miniott Parish Council – no objections, the proposal should be approved.
- 4.2 Sandhutton Parish Council – to be reported.
- 4.3 NYCC Highways - It is stated that access to the site will be from an existing field access on Sandhutton Lane. This access has not been properly constructed, being little more than an opening in the hedge. Visibility is restricted from this location in a westerly direction. A suitable access could be constructed at a location centred approximately 8 metres north of the existing opening where there are adequate visibility splays . Consequently the Local Highway Authority recommends that conditions are attached in respect of visibility splays, highway condition and construction traffic.
- 4.4 NYCC Public Rights Of Way (PROW) Team – no objections. No works are to be undertaken that will obstruct the Public Right of Way adjacent to the site.
- 4.5 Howardian Hills AONB Manager - No observations to make on this scheme, as the separation distance from the AONB is significant and I do not feel that it would be visible.
- 4.6 Environment Agency – No objection, our previous response still applies.
- 4.7 NYCC Archaeology – I have read the Desk Based Assessment (DBA) prepared by Foundations Archaeology with interest. The DBA has concluded that there is the potential for hitherto unknown archaeological remains to exist within the area. I would advise, therefore, that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal, prior to determination of the application.
- 4.8 Historic England – we do not wish to comment in detail, but offer the following observations. The Desk based Assessment makes no mention of the significance of the heritage assets that are potentially affected or the impact upon their significance. We would expect an analysis to include a an assessment on the significance of the Sandhutton Conservation Area.
- 4.9 Conservation Officer - I have read the supporting documents for this application and agree with comments from Historic England that there is insufficient assessment in relation to the historic environment. The Landscape and Visual Impact Assessment

highlights the Sandhutton Conservation Area, the scheduled Sandhutton Cross and the grade II listed Woodhouse Farm House as being within close proximity of the proposed site and the potential for views towards the site. In order to fully understand the impact of the proposed solar farm on the heritage assets identified, further work will be required to understand the significance (special interest) of those assets and how they may be impacted by the proposal. With regard to the setting of these assets, the assessment will need to look at views into and out of the heritage asset from all approaches, including public footpaths.

- 4.10 The Ramblers Association – no objections.
- 4.11 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
We have not assessed this application and associated documents for impacts on protected species and you should apply our Standing Advice.
- 4.12 NYCC Sustainable Urban Drainage Systems (SUDS) Officer – comments awaited.
- 4.13 Swale and Ure IDB – Object to the proposal in its current form, the submitted Flood Risk Assessment (FRA) is questionable and the surface water drainage measures not proven. The scheme should be withdrawn for further consideration. (Planning Officer note - Further dialogue is anticipated to result in a withdrawal of this objection.)
- 4.14 Senior Drainage Engineer – I have assessed the documents submitted by the applicant and note the objection by the Internal Drainage Board. The application site itself is largely outside of the high and medium areas of flood risk zones 2 and 3 with development located away from the limited areas there are on the proposal site. There is no susceptibility to surface water flooding on the site as estimated by the Environment Agency. The Solar Farm proposal does provide for impermeable panels fixed above ground of some 40-50% of the site, this is higher than previous applications where there has been 10-20%. The increase in impermeable area is relevant as it increases the potential surface water run-off. The topography of the site is a mix of gentle and steeper gradients with falls towards the watercourse. The steepest parts of the site have been excluded from development. The land assessment states that the subsoil is medium clay, this is not ideal for surface water soakaways. The measures to control surface water run-off are based on land management practices with no engineered features. The IDB have an objection, but indicate a conditioned approval subject to a more robust FRA. Further works should be undertaken to address this issue as the site has heavy clay subsoil which is a potential concern for surface water run-off and the panels are more intensively spaced.
- 4.15 HDC Landscape Consultant - The LVIA prepared by JBA Consulting has been prepared in line with the current guidelines and is generally thorough and accurate. However there are two concerns: The impact on visual receptors using the bridleway south and east of the proposed array has been given insufficient emphasis. There is no detailed mitigation plan other than the general BMP Action Plan. The concerns expressed above do not constitute grounds for refusal on visual or landscape impact grounds. However, it is suggested that there is a need to address the mitigation needs robustly prior to a permission being granted or in the form of a detailed pre-development condition.
- 4.16 Yorkshire Wildlife Trust – advise that the approach detailed in the Biodiversity Management Plan at pages 7-10 is conditioned and that a monitoring plan is essential. Monitoring should include surveys after a year and 5 years. JBA

consulting should draw up a monitoring plan which could be conditioned and the results of the surveys should be provided to the authority.

- 4.17 Network Rail – awaited.
- 4.18 Police Architectural Liaison Officer – awaited.
- 4.19 Environmental Health – no objections subject to incorporation of recommended noise mitigation measures.
- 4.20 Ministry of Defence – no safeguarding objections to the proposal.
- 4.21 National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 4.22 Neighbours notified and site notice posted; expired 23rd July 2015 - press advert expired 6th July 2015 - 2 responses received from the same person, objecting on the following grounds: There is evidence of Ash die back, meaning the site will be more visible; the site is on an upward slope visible from the Conservation Village; tourists visiting Sutton Bank will have views ruined by the development; villages in Devon in Cornwall have been ruined by solar farms surrounding them; the solar farm is likely to expand and increase in size; prime agricultural land should not be used for solar farms.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application relate to:
 - (a) The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification
 - (b) Environmental benefits of the scheme
 - (c) Landscape impact
 - (d) The cumulative impact of this and other solar schemes
 - (e) Impact on Heritage Assets
 - (f) Drainage and flooding
 - (g) Ecology
 - (h) Archaeology
 - (i) Neighbour amenity
 - (j) Access and construction issues
 - (k) Other issues

Principle of the Development

- 5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".
- 5.3 Paragraph 93 notes that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". This positive attitude to renewable energy is reiterated in paragraph 14, which states that

any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.

5.4 Paragraph 97 goes on to state that local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" and that they should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help
- Secure the development of such sources; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions. Policy CP16 "Protecting and Enhancing Natural and Man-made Assets" specifically refers to BMV in its introductory text and states:

"Development or activities will not be supported which:

- i. Has a detrimental impact upon the interests of a natural or man-made asset;
- ii. Is inconsistent with the principles of an asset's proper management;
- iii. Is contrary to the necessary control of development within nationally or locally designated areas."

5.6 The online National Planning Practice Guidance (NPPG) directs developers to look sequentially at suitable and available land including previously developed and non-agricultural land over Greenfield land and Best and Most Versatile Agricultural Land, when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states:

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

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

5.7 The Government's position is further explained in a published speech of 25 April 2013 in which the then Minister for Energy and Climate Change, Gregory Barker MP, said to the solar industry "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation."

- 5.8 The submitted Agricultural Land Classification Report shows the site to be graded at 3b which is of moderate quality and not the Best and Most Versatile agricultural land (BMV). The NPPF, states that planning authorities will need to consider whether the proposed use of any agricultural land is necessary. The applicants have supplied a report to demonstrate why it is necessary to locate the development at Sandhutton Lane. It is recognised that sheep could graze around the panels, allowing some agricultural function would be retained on the site and it is noted that the development would be temporary (25 years) and the use reversible.

Environmental Benefits of the Scheme

- 5.9 The proposal would generate enough clean electricity to power 1,500 typical households. The solar farm would avoid 108,000 tonnes of carbon dioxide emissions associated with electricity generation each year. This is the equivalent to the annual emissions of 800 family cars.
- 5.10 Measures are proposed to boost bio-diversity on-site, to include wildflower planting and habitat creation. Additional proposals for landscaping of the site is expected to provide further enhancement to the bio-diversity of the area.

Landscape Impact

- 5.11 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes.
- 5.12 Similarly, the UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future requires as one of four guiding principles that “Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them”. The National Planning Practice Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.
- 5.13 LDF Policy DP30 seeks to ensure that the character and appearance of the countryside is protected. Policy DP30 requires that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Similarly the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.14 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to assess the effect of the proposed development upon the landscape and visual resources of the site. The landscape consultant engaged by the Council states that this is generally thorough and accurate, but there are concerns regarding the impact upon users of the bridleway to the south and with respect to detailed mitigation proposals. However, the consultant advises that further work could be undertaken to overcome these concerns. Subsequently additional details and amendments to the proposals have been supplied to address the four concerns of the consultant. The details provided are:
- More robust boundary treatments especially along the bridleway and southern boundary, where some inverter stations would be located.

- Some panels removed on the southern boundary of the site where the overhead cables cross the site, to allow for additional planting.
- The proposed 5m buffers that were not sufficiently robust to effectively screen the proposal have been strengthened. This applies in particular to the southern, northern, north eastern and southern end of the western boundary.
- Planting should have an immediate impact given that the development has a limited life span and larger species are required to be planted.

5.15 A resident has expressed concern regarding Ash die back being present on the site, meaning that the development would be more visible. Ash die back should be reported to the Forestry Commission and any landscape mitigation scheme could account for this eventuality. The applicants have agreed to address the issues raised by the landscape consultant and further details will be presented to Committee. On the basis of this, it is concluded that the scheme could be successfully integrated into the landscape, following amendment and enhancement of the proposed landscape planting, which could be secured by planning condition.

5.16 In terms of landscape character, the arrays would be set within the existing field boundaries of the site, and would skirt the bottom of a raised section of land in an 'n' shaped formation facing southwards. The site would not be re-profiled. Apart from small sections for access, existing hedgerows would not be removed, only gapped up and new areas would be planted, including new hedges mainly along existing field boundaries. As such the basic landscape structure of the site would be retained. The development would continue the agricultural use of the site, as set out by the report, and would be largely screened from near and more distant views by existing and proposed boundary treatments, subject to the revised landscape proposals. Glint and glare would be minimised by surface coating of the panels and also by the aforementioned boundary treatments. Taking this into account it is not considered that the proposal would amount to substantial harm to the character of the landscape required to conflict with Policy DP30 of the LDF.

5.17 The character of the countryside is also influenced by the nature and scale of activity and is a matter of perception. The proposed landscaping, once grown, would limit views of the solar farm and therefore reduce public awareness of it. However, it would not be possible to conceal it and as indicated above, views would be possible from the public right of way. The extent of the views would vary due to the leaf cover of trees and hedgerows and due the landform and landscape the full extent of the solar farm would not be readily apparent. It is therefore considered that the development would not result in a significant change in the perceived character of the countryside.

Cumulative Impact

5.18 National Planning Practice Guidance states that the approach to assessing the cumulative impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.

5.19 An application was approved in the area for two rows of solar panels at Sandhutton Growers, off Sandhutton Lane, some 690m to the south and west of the proposed solar farm. The two rows of solar panels at Sandhutton Growers would be sited to the rear of the commercial buildings on site, behind a bund to the south, and the due to intervening distances and existing boundary treatments, it is not considered that there would be any significant adverse cumulative impact arising as a result of the proposal.

Impact on Heritage Assets

- 5.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal.
- 5.21 Historic England requested that an assessment of the significance of surrounding heritage assets: the Sandhutton Conservation Area, Sandhutton Cross (Scheduled Ancient Monument) and the Grade II Listed Woodhouse Farmhouse and their settings is made and also that an assessment of the impact of the proposal on those assets is undertaken. A neighbour has commented that the scheme would impact adversely upon the Sandhutton Conservation Area.
- 5.22 Further information has been submitted by the applicant, concluding that the character and appearance of the Sandhutton Conservation Area would be preserved and that the special historic interest and setting of the Grade II Woodhouse Farmhouse would not be adversely affected by the proposal. Information on the impact upon Sandhutton Cross is to be forwarded by the applicant and will be reported to Committee although the cross is some 780m away from the site and unlikely to be affected by the proposal. Further advice is to be reported to Committee.

Drainage and Flooding

- 5.23 The majority of the site is located in Flood Zone 1, although the boundary of the site, where it adjoins Dow Dike Stell, is located in Flood Zones 2 and 3. The proposed access track would cross the Dow Dike Stell. The panels would be located away from the site boundary and would be located within Flood Zone 1 and as such should not suffer from river flooding as confirmed by the Environment Agency.
- 5.24 In respect of surface water drainage, the IDB have objected to the scheme and the land based mitigation measures proposed, they are seeking to ensure that run off from the site would be restricted to green field run off rates. The Senior Drainage Engineer requires that further works should be undertaken to address this issue as the site has heavy clay subsoil which is a potential concern for surface water run-off and the panels are more intensively spaced.
- 5.25 Additional work has been undertaken to address surface water disposal issues and it is understood that the concerns of the IDB have been met, confirmation from the IDB that their objection is removed is however awaited at the time of writing. A condition can be imposed to address the concerns in accordance with the LDF Policy DP43.

Ecology

- 5.26 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.

- 5.27 The application is supported by an Ecological Appraisal and an extended Phase 1 Habitat Survey was carried out and this identifies the site as having low to moderate ecological value. No protected species were noted on the visit but there was recorded evidence of historic use for some species and the potential for Great Crested Newts outside the site boundary was noted. A series of ecological and biodiversity enhancements/mitigations are proposed by the applicant in a Bio Diversity Management Plan (BMP) to improve and promote habitats, and they should be secured by condition, to include the provision for monitoring if permission is granted.
- 5.28 It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

Archaeology

- 5.29 The application site lies in an area of potential archaeological interest and NYCC Historic Environment Team advised that further work, including a geophysical survey, needed to be undertaken, prior to the determination of the application. Additional surveys have been undertaken by the applicant and they were submitted to the Historic Environment Team. Following an assessment the additional information, the County advise that no further work is required in support of the application and that no condition is required. The scheme would therefore accord with the relevant provisions of the NPPF and Local Policy DP29.

Amenity of neighbouring properties

- 5.30 One of the core planning principles of the National Planning Policy Framework and the Local Development Framework is to secure a good standard of amenity for existing and future occupants of land and buildings. The site occupies a relatively isolated location in open countryside although there are properties in the vicinity.
- 5.31 No objections to the scheme have been raised by near neighbours. The nearest neighbour would be 165m away at Mowbray Farm to the south of the proposed solar farm. However, the solar farm would be at a sufficient distance and behind existing agricultural buildings within their curtilage. The property at Breckenbrough Grange would be some 237m to the north and there would be views of the development, although the panels would face the other way. There is no right to a private view in planning terms and given the separation distances, and intervening screening this would restrict adverse impact upon the outlook of this property. Given separation distances surrounding properties, existing and proposed landscaping, it is not considered adverse impacts would arise in terms of the panels or associated buildings being overbearing to occupiers.
- 5.32 A noise report has been submitted as part of the application and this has been assessed by Environmental Health. Potential noise generation would be from the invertors that would be placed around the site (some near boundaries).The Environmental Health Officer states that the findings of the report are considered to be acceptable subject to the incorporation of the recommended mitigation measures. Glint and glare would be minimised by the panel surface.
- 5.33 It is anticipated that there would be some noise and disturbance associated with the construction and decommissioning phases; however, this would be for a limited duration. A condition could be applied to control night-time lighting.

Access and construction issues

- 5.34 Access to the site would be off Sandhutton Lane to the south west of the site, near to the junction with Bullock Lane. NYCC Highways have assessed the proposal and are satisfied that a safe and suitable access could be provided in the vicinity (8m to the north) which would achieve the required visibility splays and state that this should be conditioned.
- 5.35 The applicant has provided a Construction Traffic Management Statement which has been assessed by County Highways. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The Highway Authority has assessed the proposal and has raised no objections, subject to the application of conditions including access, highway condition and construction traffic. It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

Other Issues

- 5.36 Concern has also been raised that the proposal would adversely affect tourism with views from Sutton Bank (in the North York Moor National Park) being spoiled. The Landscape Consultant accepts the scheme could be successfully integrated into the landscape, following the submission of an additional landscape details, mitigating any wider visual impact and Sutton Bank is located 11km away. It is not therefore considered that the proposal would significantly adversely affect tourism at Sutton Bank or elsewhere in the National Park. It is also noted that the Howardian Hills AONB Manager is of the view that the site is sufficiently distant from the AONB so as not to impact significantly upon the AONB. An objection has been raised that solar farms in Devon and Cornwall have ruined the areas around them. However, each application must be considered upon its own merits and therefore this objection is not material to the consideration of this application. Concern has been raised that the solar farm would expand and increase in size; however a new application would be required for any expansion to the site, requiring further consultation with local people and consideration of the associated planning issues.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted is for the development to be retained for a period of not more than 25 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council submitted on unless otherwise approved in writing by the Local Planning Authority.
 4. Within 6 months of the end of the 25 year period granted by Condition (2), the solar panels shall be decommissioned and they and all related above and below ground structures, equipment and materials shall be removed from the site. No later than 12 months before the decommissioning of the solar panels, a decommissioning and

restoration scheme for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The scheme shall make provision for the removal of all above and below ground components and the land shall be returned to agricultural use. The approved scheme shall be implemented within 6 months of the restoration scheme being approved in writing by the Local Planning Authority or such other period as the Local Planning Authority may approve in writing.

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected within or around the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.
7. Prior to construction of panels or buildings details of landscape species and heights at time of planting pursuant to the submitted landscape drawing shall be submitted to the Local Planning Authority and approved in writing. The approved species and heights shall then be implemented as part of the landscape plan unless otherwise approved in writing by the Local Planning Authority.
8. No part of the development shall be used after the end of 12 months from the date when electricity is first exported to the electricity grid (First Export Date) unless the landscaping scheme shown on the landscaping plan numbered received by Hambleton District Council on 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.
9. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E1; 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 highway; f. That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing

highway has been carried out in a manner approved in writing by the Local Planning Authority.

12. All HCV construction traffic shall use the approved route as detailed in the submitted document "Construction Traffic Management Statement- Revision 2".
13. Prior to the commencement of development detailed measures for the mitigation, enhancement and monitoring of ecology on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented within 12 months of the date when electricity is first exported to the electricity grid (First Export Date). The agreed monitoring and feedback and appropriate mitigation measures shall be supplied to the Local Planning Authority and the approved additional mitigation shall be undertaken thereafter.
14. Prior to construction of buildings and installation of panels and notwithstanding the information provided in the application, specific drainage details and details of the management of the land relating to the area covered by the proposed solar panels and the full details relating to the SUDS shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage details shall be implemented and retained.
15. Prior to construction of panels or buildings the developer shall submit for approval details to the Local Planning Authority for the reduction in the opportunity for crime within the site. Thereafter the approved measures shall be implemented.
16. Prior to the commencement of the use of the development full details of how the future agricultural use of the application site will be operated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.
17. The noise mitigation measures shall be implemented in accordance with the Technical Report by MLM Consulting Engineers, dated 24th April 2015 and received on 19th May 2015 by Hambleton District Council.

The reasons for the 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 redundant structures are not retained in the landscape and to ensure that the land is returned to unobstructed agricultural use
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.
4. To enable the Local Planning Authority to regulate and control of the site and to ensure that the land can revert to agricultural use at the end of the temporary permission.
5. In order to protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32 and safeguard the residential amenity of neighbours.
6. In order to protect visual appearance of the development in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
9. In the interests of highway safety and the general amenity of the area.
10. In the interests of highway safety and the general amenity of the area.
11. In the interests of highway safety and the general amenity of the area.
12. In the interests of highway safety and the general amenity of the area.
13. To protect and enhance existing species and habitat on the site and in the interests of bio-diversity, landscape character and visual amenity in accordance with the provisions of the NPPF.
14. In order that the site is properly drained and would not have an adverse effect on watercourses or increase the risk of flooding elsewhere in accordance with policy DP43 of the Hambleton Local Development Framework.
15. To minimise the risk of crime in accordance with policy CP20 of the Hambleton Local Development Framework
16. To ensure there is an optimal use of the agricultural land in accordance with the National Planning Policy Framework.
17. To protect the amenity of surrounding residents in accordance with Policy DP1.

INFORMATIVE - ADJACENT PUBLIC RIGHTS OF WAY

The Rights of Way team advise that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Parish: Stokesley

Ward: Stokesley

Committee Date: 17 September 2015

Officer dealing: Mr Peter Jones

Target Date: 20 March 2015

4

14/02578/OUT

Outline application for the construction of 25 dwellings with all matters reserved excluding access.

**at White House Farm, Stokesley
for Northumbrian Land Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This outline planning application seeks permission for the change of use of agricultural land on the western outskirts of Stokesley, to the south of Westlands for the development of 25 houses. With the exception of access, all matters are reserved for a later stage of approval (i.e. appearance, layout, scale and landscaping).

1.2 On this basis only limited plans have been submitted with the application. However, the application was submitted with the following written submissions:

- Planning Statement
- Design and Access Statement
- Highways Statement
- Affordable Housing Viability Assessment
- Economic Use Viability Assessment
- Flood Risk Assessment
- Ecological Assessment
- Statement of Community Involvement
- Preliminary Assessment of Land Contamination

1.3 The site is located to the south of Westlands on the western edge of Stokesley. The site is set within open farmland, bounded to the north by Westlands. The site is currently occupied by a range of modern and traditional farm buildings. The buildings are largely abandoned and in a partial state of dereliction. There is a good quality range of traditional brick built, agricultural buildings to north of the site, close to the road frontage.

1.4 To the west edge of the site is a tall (6 to 7m) Leyland Cypress hedge. The road boundary is formed by a well maintained hawthorn hedge. Other boundaries are largely open to the fields beyond.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The site is allocated for employment uses (Class B1) rather than housing within the Council's Local Development Framework. The allocation sets out requirements for the development of the site.

2.2 The primary requirement is in terms of the economic use of the site, but it also sets out other more general development requirements, which are:

- (i) Access to the site being taken directly from Westlands;
- (ii) Provision of landscaping at the western and eastern boundaries;
- (iii) Contributions from the developer to local infrastructure (now superseded by the adoption of CIL); and

(iv) No development other than essential infrastructure and water compatible uses should take place within Flood Zone 3b, as defined within the Environment Agency Flood Maps.

2.3 02/01524/OUT - Outline application for the construction of a care home with day centre facilities and 36 apartments for the elderly; Refused 21 November 2002, appeal dismissed 27 October 2003.

2.4 11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sq. m including means of access; Refused 11 May 2012, appeal part allowed and part dismissed 29 May 2013.

The housing (on the northern side of Westlands) was dismissed and the employment use (on the site of the current application) was allowed. The Council had not objected to the employment development but unlike the Inspector it did not have the power to issue a split decision.

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
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 CP20 - Design and the reduction of crime
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 DP8 - 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 DP29 - Archaeology
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
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 DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
Affordable Housing - Supplementary Planning Guidance - June 2008

4.0 CONSULTATIONS

- 4.1 Stokesley Town Council - This council has the following objections to the above application.
- (i) A reason given for changing application from original is the industrial/employment use as stand alone is not viable. This does not automatically mean the site should then be developed as a residential site;
 - (ii) Even at outline stage no commitment has been made to affordable housing level;
 - (iii) Flooding - the area is considered not to be a flood risk by HDC but the new map clearly shows this would be in a flood risk area;
 - (iv) Derelict buildings - much is made of the improvement of the entrance to Stokesley if the development was to go ahead and the existing buildings demolished. If they are dangerous they should be repaired or demolished regardless of any planning application. If the developers are so concerned with as they quote less an eyesore then they should alter the building regardless; and
 - (v) Size of development - when added to the existing development on the other side of the road this will mean a development too large re: sustainability of Stokesley and impact on Stokesley's character etc.
- 4.2 Environment Agency - No objections on grounds of flood risk. Question over the discharge of foul water. The applicant subsequently confirmed that the discharge would be to the mains sewer and on this basis the EA has no objections to the scheme.
- 4.3 Highway Authority – No objections subject to conditions.
- 4.4 Environmental Health Officer - The proposed development will be exposed to high levels of traffic noise. Prior to the commencement of the development a noise survey for the site together with proposals to provide acoustic insulation to the proposed dwellings to achieve suitable noise levels shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic insulation measures for each dwelling shall be fully installed prior to first occupation of that dwelling and shall thereafter be retained without modification unless otherwise agreed in writing by the Local Planning Authority.
- 4.5 Drainage Board – comments awaited.
- 4.6 Northumbrian Water - The developer has made a pre-development enquiry to NWL which we responded to on 22nd February 2011. In this response, we stated that a sewage pumping station which this development discharges to is unable to accept any additional foul flows until upgrade works have been completed. Until this upgrade has been completed, we request the following condition is added to any planning approval:
- "No dwelling shall be occupied until works to upgrade a sewage pumping station have been completed. Thereafter a detailed scheme for the disposal of foul water from the development must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development must then take place in accordance with these approved details. "
- 4.7 Network Rail - No observations.

- 4.8 Natural England - No objections.
- 4.9 Police Architectural Liaison Officer - In general the proposed layout is considered to be good in terms of designing out crime. A condition is recommended with regard to security features of the proposed development.
- 4.10 County Archaeologist - No known archaeological constraints.
- 4.11 Local Representations - A total of 50 comments have been received on the scheme with 44 of those objecting. Objections were made on the following grounds:
- Impact on the character of Stokesley
 - No need for additional housing in the area
 - Area is prone to flooding
 - Site was originally allocated for economic uses and not for housing
 - Significant detrimental impacts on local road network
 - Lack of information on affordable housing contribution
 - Lack of marketing of the site for its allocated uses
 - Unsafe access

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in the determination of this application relate to the following matters:
- (i) The principle of housing development on land allocated for employment uses;
 - (ii) Affordable housing provision and housing mix;
 - (iii) Impact on heritage and the character, appearance and visual amenity of the area;
 - (iv) Impact on neighbour amenity;
 - (v) Highway matters;
 - (vi) Impact on protected species;
 - (vii) Sustainable energy;
 - (viii) Land contamination; and
 - (ix) Community engagement

Principle of housing development

- 5.2 The site is allocated in the Local Development Framework for employment uses and not for housing. The site was examined in terms of viability through the earlier appeal for a mixed used housing and economic use which effectively covered this site and the SH2 site to the immediate north of the site. In this appeal the District Valuer was contracted by the Planning Authority to carry out a viability assessment in terms of the proposed economic use. At the time it was established that the proposed economic use was not considered to be viable. From the District Valuer's evidence at the time, he stated "it can be seen that, at a total land value of £148,500, equating to £75,000 per acre, a project loss of £987,857 arises. The loss would be even greater if a developer's profit is factored in. Unless commercial rents and yields improve dramatically, and I have no reason to assume they will in Stokesley, I think it is unlikely that the commercial element will be built". In the assessment of this current application the District Valuer's view has again been sought to establish if their conclusion with regard to viability would have changed in the interim. The District Valuer considers that if anything the economic use of the site is now less viable than it was at the time of the earlier application.
- 5.3 The question remains as to whether or not it is reasonable to effectively switch the allocation from employment uses to housing. Development Policy 17 of the Local

Development Framework and paragraph 22 of the NPPF are the key policy considerations in relation to the proposed loss of employment land. The NPPF is clear that policies should avoid the long term protection of sites allocated for employment purposes where there is no reasonable prospect of a site being used for that purpose. Further it states that where there is no reasonable prospect of a site being used for the allocated use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

5.4 DP17 lists four criteria which must be considered in order for employment land to be approved for alternative uses:

- i. The supply and variety of available alternative employment land is sufficient to meet District and local requirements; or
- ii. Evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
- iii. There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
- iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.

5.5 The Employment Land Review (GVA 2014) indicates that within the Stokesley functional economic area there is a demand for between 6.6 ha and 10.74 hectares of employment land (B1, B2 and B8). The supply of land is considered to be around 7.5 hectares based on the 6.7 ha at Stokesley Business Park and 0.8 ha at White House Farm. The study concludes that the existing supply available will not meet the identified demand when taken at the upper end of the range. The loss of this site would lead to an undersupply of employment land, based on forecasts at the time, and limit the choice of land available for employment use. Such loss on its own is not consistent with policy. However, whilst this is only one of two sites allocated for employment purposes in the Stokesley Sub Area, the GVA report considers that the site itself is poor performing and other potential sites achieving a higher score, under the site assessment criteria, exist. Information about the availability of other potential sites was based to a large extent on sites put forward for consideration at issues and options stages of the Allocations DPD, and is somewhat out of date.

5.6 With regard to criterion ii of DP17 and paragraph 22 of the NPPF, ideally the site should be marketed for employment use for a period of at least 12 months. Applicants are expected to submit details of the marketing campaign, including where the site was marketed, the price, details of any enquiries and offers. However, in this case it was agreed that information on viability would be considered. Giving consideration to the information submitted and presented at appeal (application reference 11/01300/OUT), and the subsequent review by the District Valuer. Both provide information regarding viability of employment use and the prospects of employment use. At appeal the site was considered to be unviable for delivery as a 'stand-alone' site for employment, although that was not a reason for the Inspector to withhold planning permission. Subsequent to the appeal, the Council commissioned GVA to undertake an Employment Land Review. The ELR reviewed the quality of sites against site assessment criteria and considers that the 0.8 hectare site is a "particularly poor performing existing supply site which is less likely to come forward for employment development". More recently the District Valuer has concluded that the site's use for employment purposes is certainly no more viable than it was previously and that this is unlikely to change in the future. As a 'stand-alone' employment site the evidence points to the conclusion that the site is likely to be and

remain unviable for employment purposes and that an employment use is unlikely to come forward at this location.

- 5.7 Criterion iii of DP17 seeks that alternative development provides a substantial planning benefit and paragraph 22 of the National Planning Policy Framework states that applications should be treated on their merits having regard to the relative need for different land uses to support sustainable local communities.
- 5.8 The proposed scheme would provide 25 dwellings, in the service centre of Stokesley. The Council's position on housing supply is of relevance when considering the relative need for housing. At the time of writing the council considers that we have adequate supply of housing over the next five years. However, the development of a site within the development limits of a service centre at this scale would contribute towards the district wide windfall allowance. It should be noted that the requirement of DP17 is that there would be a substantial benefit in permitting another use. To satisfy this requirement and that of paragraph 22 of the NPPF, should the council continue to consider that it has a five year supply, the development should lead to the provision of more homes that are of the size type and tenure, needed within the town and sub area, with particular regard to the delivery of 50 % affordable housing (CP9).
- 5.9 The relative need for uses other than employment and housing has not been assessed by the applicants. The Council's own evidence in addition to pointing to the need to consider future employment allocations within Stokesley points to the need for additional retail development (a mainstream food store in the order of 2,500 – 3,000 sq. m). The site in question was considered as part of the sequential test in relation to a proposed food store at Mill Riggs. The site was considered too small to accommodate the proposed development and this was accepted by the consultants assessing the application on behalf of the council.
- 5.10 In conclusion, it is not necessary that all criteria of DP 17 are met. Paragraph 22 of the NPPF requires the consideration of market signals and the relative need for other uses. Whilst the GVA study indicates demand is forecast to outstrip supply for employment land within the sub area, it does not consider that this particular site will come forward and that it considers there are more attractive sites for employment development in the Stokesley area. The District Valuer, commenting on behalf of the Council, considers that the site is unviable for employment purposes. This element of paragraph 22 and criterion ii of DP17 can be considered to be met. Should the nature of the scheme meet the requirements of CP9 and CP8, and make a valuable contribution towards meeting the needs for particular types and tenure of housing, supporting the existing and planned provision elsewhere within the town, including at SH1, this requirement can be considered to be satisfied.

Affordable housing and housing mix

- 5.11 The site lies within the Stokesley Sub Area where there is a target for 50% affordable housing on residential development sites (unless a viability appraisal evidences that this is not deliverable). The applicant has submitted a viability assessment which suggests that the development would only be able to deliver 30% affordable housing. An independent assessment of the viability of the site has been undertaken by the District Valuer. This suggests that the site is capable of delivering 48% affordable housing.
- 5.12 There has been lengthy discussion between the Authority and the applicant in terms of the points of disagreement in the viability assessment. These relate primarily to the assumed land value and the manner in which that is established. The applicant has used the same methodology as was used for the site to the north of the application site when the 213-dwelling proposal was at appeal. In the final analysis, this

established 32% affordable housing provision. It has not been possible to reach an agreed position with regard to the value of the land as a starting point for the viability assessment.

- 5.13 The applicant has now submitted a revised offer of:
- 37.5% affordable housing with a tenure split of 70% social rent/30% intermediate rent; or
40% affordable housing with a tenure split of 50% social rent/50% intermediate rent.
- 5.14 To meet local housing needs the affordable housing mix should comprise two and three bedroom houses with a tenure split of 70% social rent and 30% intermediate tenure (unless otherwise evidenced by needs data and also supported in writing by the Registered Provider to whom the properties will be transferred). In addition, the affordable homes should be 'pepper-potted' in at least two areas of the development site in clusters of no more than 6-8 dwellings. The affordable homes would also be required to be provided in accordance with the minimum size and transfer price contained in the Council's Affordable Housing SPD.
- 5.15 The Council is also keen to ensure that all new housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth. There is evidence to support the following market mix on larger market housing sites: 10% two bedroom bungalows, 10% one bedroom & 60% two & three bedroom homes.
- 5.16 The applicant is proposing a mix of predominantly four bedroom market homes but has not provided any evidence to demonstrate how this will meet local needs. A revised mix that includes some smaller market homes has been requested as part of any reserved matters application.
- 5.17 As well as being a high demand area for family housing Stokesley has a relatively high proportion of older people (34% of households are aged 65 plus). Like Hambleton's other service centres it is a popular location for home-owners seeking to downsize and purchase more 'manageable' homes (including 2 bedroom bungalows) on the open market. Provision of some small open market bungalows on the site (10% of the overall open market provision) would improve the housing offer for existing home owners wishing to downsize.
- 5.18 If the outline application is granted it is recommended that appropriate affordable housing and bungalow provision are secured by a S106 planning obligation.

Impact on heritage, character, appearance and visual amenity

- 5.19 The site is essentially an abandoned farm complex, generally in a poor state of repair. Some of the traditional brick buildings are of architectural merit and could be worthy of retention as part of the scheme. The Authority's Conservation Officer considers that the best two buildings could be worthy of Non Designated Heritage Asset status. The applicant was asked to review the condition of these buildings with a view to retaining them within the scheme. Subsequently they have submitted a structural assessment of the buildings which clearly shows that they are not capable of retention and conversion. Indeed the assessment suggests that two of the buildings are in a dangerous state. On the basis of this evidence, which has been confirmed by an officer's inspection of the buildings, redevelopment is acceptable.

- 5.20 The site is otherwise in open countryside, but subject to the implementation of permission to the north of the site will soon be effectively within the built up residential area on the edge of Stokesley. The rural character of the site would undoubtedly be changed as a result of the proposed residential development of the site. However, the existing buildings are on a large scale and have a significant impact on the character of the area and would not easily lend themselves to the employment uses proposed in the allocation. The applicant is proposing a buffer strip along the road frontage which would enable the site to be carefully landscaped, creating a gradual transition from the urban development form further into Stokesley, to the rural area to the west of the application site. The principle of the development of this site is considered to be acceptable in terms of the character and visual appearance of the area.

Residential amenity

- 5.21 The proposed development would have no impact on any current residential amenity as the site has no direct neighbours. The proposed development to the north of the road is likely to have some form of frontage development. However, the separation distances are such that the proposed development would have no impact in amenity terms.
- 5.22 Concerns have been raised by the Environmental Health Officer with regard to the noise impact on future residents due to the close relationship to the road frontage. The applicant has included the provision of a landscape buffer in order to mitigate this impact. The Environmental Health Officer has recommended a condition requiring a mitigation strategy.
The development of this site for housing is considered to be acceptable both in terms of the residential amenity of existing and proposed housing.

Highway matters

- 5.23 The Highway Authority has identified a number of areas of concern particularly in relation to the proximity of the proposed roundabout, servicing the site to the north and the relationship of the local footpath networks which would require a pedestrian to cross a number of the arms of the roundabout in order to access the footpath. The applicant was asked to address these issues through a road safety audit. This has been submitted and the Highway Authority is now satisfied that the scheme can be recommended subject to conditions.

Land contamination

- 5.24 No significant issues of land contamination have been identified and the Environmental Health Officer has raised no concerns about the proposed development in these terms.

Community engagement

- 5.25 Hambleton District Council published a Statement of Community Involvement (SCI) document titled 'Getting Involved in Planning Applications'. This encourages developers to undertake pre-application discussions with both the local authority and relevant stakeholders. Page 3 states that the Council will encourage applicants of major development to carry out an appropriate level of consultation with the community reflecting the nature and scale of the proposed development.
- 5.26 The Council states that developers should not only consult the local community but acknowledge any comments or responses they receive and decide whether to make changes to their plans before they submit their planning applications.

- 5.27 A leaflet drop was undertaken on Wednesday 3rd December to notify local residents of the forthcoming consultation event; A Public exhibition was held on Thursday 11th December 2014, representatives of the team and Northumbrian Land attended and discussed the proposals with local residents; A questionnaire was made available for completion at the exhibition in addition to the publication of a consultation email address for those wishing to respond via email; A copy of the pre-application submission and leaflet was also made available to the Parish Council ahead of their meeting on 9th December.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations and a suitable Section 106 agreement to deliver an appropriate affordable housing provision and housing types the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the Site Location Plan received on 18 December 2014 and drawing numbered C002-A received (proposed access junction) on 18 December 2014 by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.
 4. No development shall take place above foundation level until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
 5. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows or other means of enclosure associated with it have been constructed in accordance with the submitted details approved in accordance with Condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
 6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 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 site shall be developed with separate systems of drainage for foul and surface water.
9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
11. 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.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any subsequent Order, the garage(s) shall not be converted into a habitable room(s) without the express written approval of the Local Planning Authority.
13. Prior to the commencement of development above foundation level, a detailed scheme to incorporate energy efficiency and / or renewable energy measures within the design-build which meet not less than 10% of the building's energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.
14. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
15. 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.
16. The development shall not be commenced until the protective fencing has been erected in accordance with the approved plans and no existing trees shall be topped, lopped, felled or uprooted, materials stored, machines or huts stationed or temporary site roads and accesses constructed other than in complete accordance with the plan approved by the Local Planning Authority under conditions 15 above.

17. Prior to the commencement of development a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.
18. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
19. No development shall commence until works to upgrade the local sewage pumping station have been completed. Thereafter a detailed scheme for the disposal of foul water from the development must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development must then take place in accordance with these approved details.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. 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 DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with Policies DP1 and DP31 of the adopted Hambleton Local Development Framework.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with Policy DP31 of the adopted Hambleton Local Development Framework.
9. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with Policy DP31 of the adopted Hambleton Local Development Framework.
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with Policy DP31 of the adopted Hambleton Local Development Framework.

11. 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 Hambleton Local Development Framework Policy CP21.
12. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
13. 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.
14. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
15. In order to soften the visual appearance of the development and provide any appropriate screening.
16. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees.
17. To protect the amenity of nearby residents and to accord with Policies CP1 and DP1 of the adopted Hambleton Local Development Framework.
18. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution.
19. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

Parish: Aiskew

Ward: Bedale

5

15/01469/FUL

Committee Date : 17 September 2015

Officer dealing : Mrs H Laws

Target Date: 25 September 2015

**Construction of a single storey 2 bedroom dwelling.
at 38 Leases Road Leeming Bar North Yorkshire DL7 9DA
for Mr Brian Follen.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the eastern side of Leases Road and currently forms part of the garden of number 38 Leases Road. The existing dwelling is a single storey detached property that lies in a row of properties fronting onto the street. To the rear of the property lies a single storey detached property at 9 Low Street.

1.2 It is proposed to construct a single storey detached dwelling on the application site. The existing dwelling is set below the road level of Leases Road and the garden slopes downwards towards Low Street to the east. The dwellings at Low Street are at a lower ground level.

1.3 The proposed dwelling would have two bedrooms, a bathroom and a living/dining/kitchen space. Access would be via the existing driveway served from Leases Road, which lies immediately to the side of the existing dwelling. Parking for two vehicles would be provided on site, with space for manoeuvring.

1.4 It is proposed to install boundary fencing at a height of 2m and provide additional planting to be allowed to grow to 2.4m in height.

1.5 The application is presented to Members of the Planning Committee at the request of the Ward Member.

2.0 PLANNING & ENFORCEMENT 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
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - no observations

4.2 NYCC Highways - conditions recommended

4.3 MOD - no safeguarding objections

4.4 HDC Environmental Health - I have considered the potential impact on amenity and likelihood of the proposed development to cause a nuisance and consider that there is significant potential for the proposed development to have a negative impact on adjacent and nearby residential premises. The Environmental Health Service objects to the proposed method of heating the dwelling, as air source heat pumps are designed to run for extensive periods of time and are a source of audible and significant noise. The proposed location for the air source heat pump is at a point closest to the nearest adjacent dwelling and it is foreseeable that local amenity, particularly at night time, would be adversely affected. It is recommended that an acoustic assessment be undertaken and a condition be imposed.

4.5 Site notice/local residents - one letter of objection has been received, as follows: This building is planned to be built within a few metres of my property. I feel it would devalue my property and impact negatively on my quality of life. It is completely out of line with current lines of development and by being situated so close to my property will affect my privacy.

During the build I will suffer a large amount of disturbance and disruption from noise, air and dust pollution as it is within a few metres of the conservatory where I spend my time.

I am also concerned about the amount of light that will be blocked. The current boundary fence is under 1 metre high and I am dismayed at plans to build a 2.4 metre wooden fence which combined with a 4 metre high roof line, will block a significant amount of light and make my conservatory feel completely blocked in.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of an additional residential use in this location; the effect on the character and appearance of the surrounding street-scene and; the impact on residential amenity and highway matters.

5.2 The principle of an additional dwelling in this location is accepted as the LDF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to; jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a two bedroom dwelling within the Development Limits of the village, which is defined as a Service Village in the Core Strategy. The site is relatively close to the centre of the village and the industrial estate and is considered to be within a sustainable location. It is considered that the proposal is therefore acceptable in principle.

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

5.4 The site constitutes a form of backland development, which is a type of development that exists in the village but is not common; most of the properties have a frontage onto a highway. The latter is the more traditional pattern of development and therefore more appropriate within the village. The construction of a dwelling in this location would not result in a development of a high standard as required by Policy CP17.

5.5 It is noted that whilst Hambleton do not have a policy in relation to garden ground development, the NPPF states at para. 53 that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. In this case the dwelling is considered to be an over-development of the plot and would have an unacceptable impact on its neighbours, particularly those of the existing dwelling and those to the rear at 9 Low Street, which lies at a distance of approximately 12m from the edge of the proposed dwelling. It is appreciated that as all the properties are single storey, appropriate fencing and boundary treatment could be installed that would prevent direct overlooking into both the existing and proposed dwellings. However, due to the proximity of

the boundary fencing, the position of the new dwelling close to the boundary and the difference in ground levels it is likely that the sense of enclosure experienced by the residents of 9 Low Street would be greater. The applicant's agent states that an outbuilding of the same size could be built in a similar position to the proposed dwelling. However, such a structure would not be used as the principle dwelling space for a separate household. The use as proposed would result in additional activity in much closer proximity to both the existing dwellings at 9 Low Street and also at 38 Leases Road, as the driveway serving the new dwelling lies immediately adjacent to the side elevation.

5.6 There are no objections to the design of the dwelling per se, which is similar to other dwellings within the locality. The Environmental Health officer is concerned regarding the effect of the noise from the proposed air source heat pump on the amenity of nearby residents. The effects of the pump could be controlled by a planning condition regarding its siting and to ensure that it meets the Microgeneration Certification Scheme Planning Standards.

5.7 The Highway Authority has no objections, subject to conditions, regarding the proposed development.

5.8 The development would be liable for Community Infrastructure Levy (CIL) contributions for new market residential floor space following the Council's adoption of a CIL Charging Schedule on 7 April 2015.

5.9 The proposed development is contrary to Policies within the Local Development Framework and refusal of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be REFUSED for the following reasons:

1. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.

2. The proposed development would cause a substantial loss of amenity to neighbouring residential properties by reason of an overbearing impact, an increased sense of enclosure and loss of privacy to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

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15/00513/FUL

Construction of a dwelling as amended by drawings and details received by Hambleton District Council on 10 May 2015, 12 May 2015 and 27 August 2015 at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This scheme was brought before Members at the August 2015 meeting and deferred to negotiate amendments to the design. The applicant has submitted revised plans in response to Member concerns. The scheme has been revised in the following ways:

- reduction in length and width
- removal of rear first floor projection
- indication of adjacent rear projection at Fairhaven

1.2 The proposed dwelling would be positioned to the west of Birdforth House and to the east of Fairhaven. The site is within the Alne Conservation Area.

1.3 Amended plans were received on 10 May 2015, 9 July 2015 and 27 August 2015 altering the design of the dwelling, the point of access, identifying trees on site and alterations to the existing outbuilding to be used as a garage.

1.4 The proposed dwelling, as amended, would measure approximately 11.4m x 7.8m. It would accommodate a snug, lounge, hall, kitchen/dining area and sun room at ground floor level, two en-suite bedrooms, a bedroom and bathroom at first floor level and a study, additional bedroom and WC at second floor level.

1.5 Materials for the proposed dwelling would comprise brickwork and clay pantiles.

1.6 Access to the property would be via the existing rear access to the site from Back Lane.

1.7 Minor alterations are proposed to the existing outbuilding to be used as a garage and a turning area would be formed next to this.

1.8 The site is in Flood Zone 1.

1.9 The proposed dwelling would be positioned approximately 3m (at the nearest point) to the boundary with Fairhaven. This boundary is formed of a low post and rail fence and shrubs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 14/01983/FUL - Construction of detached 4 bedroom dwelling house; Withdrawn 21 January 2015.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
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 DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council believes that the Conservation Area Status means that this sort of development namely building an extra house in someone's existing front garden cannot be allowed. It would completely alter the whole nature of that corner with its trees, signpost and Village Hall - the sort of thing the Conservation Area status is there to protect.
- 4.2 Highway Authority (commenting on amendments received on 9 July 2015) - Conditions recommended regarding private access/verge crossings construction requirements, provision of approved access, turning and parking areas, precautions to prevent mud on highway, and on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer - no objections or recommendations.
- 4.4 Yorkshire Water - no response received.
- 4.5 Ministry of Defence - no objection.
- 4.6 Neighbours notified and site notice posted - 18 responses received in summary mainly concerning:
- future development of adjacent site
 - impact on light and disturbance to Fairhaven
 - need for affordable housing
 - impact on highway safety
 - no need for additional housing
 - impact on conservation area
 - access
 - privacy of adjacent property
 - impact on character and appearance of surrounding area
 - loss of outbuilding
 - impact on neighbour amenity
 - loss of trees on site

- increase in surface water
- need for further application and site notice for revised access.

4.7 Conservation Officer - Reflected on site context and consequence of initial proposal to take access off Main Street. Identify that the character of the Conservation Area and street scene could accept the dwelling proposed. Identified improvements to the design of the dwelling.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; and (v) the liability of the development for the Community Infrastructure Levy.

Principle of development

5.2 The site is within the settlement limits of Alne, which is a sustainable settlement, and therefore the development is acceptable in principle. The inclusion of the site within the Conservation Area does not alter this, but requires careful consideration of the likely effect of the development on the character and appearance of the Area. Development should only normally be permitted within a Conservation Area if it at least maintains the character and appearance of the Area.

The character and appearance of the Conservation Area

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

5.4 The scheme has been revised to address the concerns expressed by Members at the last Planning Committee meeting the amendments have the aim to improve its overall design and compatibility with the street scene and Conservation Area. Key changes since submission are the removal of the access to Main Street, reduced size to improve the relationship with neighbouring dwellings, improved design detailing to respect the setting and an indication of the position and retention of trees on site and the trees requiring removal to accommodate the dwelling.

5.5 The amended scheme is of a design suited to the Conservation Area and is therefore able to maintain its appearance. The Conservation Area is predominantly residential in character and the dwelling would maintain this as well. The design, scale and materials of the proposed dwelling are therefore considered acceptable. The comments of the Parish Council are noted regarding the position of the dwelling. The dwelling is not positioned in the front garden but is to the side of existing property. This is important to preserve accordance with the built form of Alne.

Neighbour amenity

5.6 The amended details have improved the relationship of the proposed dwelling with adjacent property by way of its impact on privacy and shading. The overall design and scale of the structure would not harmfully erode neighbour amenity subject to the obscured glazing of the first floor windows to the western elevation to the master bedroom.

Highway safety

- 5.7 The alterations to the existing access, and the provision of a parking and turning area as part of the amendments received on 9 July 2015 allow the development to not have a harmful impact on highway safety. Subject to recommended conditions the local highway authority are also in support of the scheme.

Community Infrastructure Levy

- 5.8 The development is liable for the Community Infrastructure Levy and the agent has completed the relevant CIL Information Form 0.

- 5.9 In response to the consultation responses not already addressed:

- Future development to the land adjacent to the application site would be assessed on its own merits at the time of application submission.
- The proposal is not considered to be harmfully dominant to Fairhaven and an acceptable separation would remain between the properties. It is acknowledged that there may be limited disturbance during the construction phase.
- The site is in a position and the density of development is such that there is no local policy requirement to provide affordable housing.
- The market demand for additional housing is not a matter of significant weight in this case.
- The loss of the outbuilding to Fairhaven is noted however this feature is not considered such a significant heritage asset to be worthy of protection.
- The loss of trees on site is relatively limited and will continue to contribute to the character and appearance of the conservation area. Clarification over specific tree retention and protection could be required via planning condition.
- Full drainage details will required to be submitted and appraised as part of a planning condition to be attached to any permission granted.
- Re-consultation has been undertaken in regard to the amended dwelling design and altered access point

- 5.10 The scheme is in accordance with LDF policy and is recommended for approval.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered C224/17, C224/18 received by Hambleton District Council on 9 July 2015 and drawings numbered C224/100, C224/101, C224/102, C224/103, C224/104 received by Hambleton District Council on 27 August 2015 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
5. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The first floor windows on the western elevation of the building serving the master bedroom shall at all times be glazed with obscured glass.
9. 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.
10. 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 9 above.
11. The site shall be developed with separate systems of drainage for foul and surface water.
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 access(es) 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 by reconstructing in accordance with Standard Detail number E6; g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details which have been first approved by the Local Planning Authority and maintained thereafter to prevent such discharges
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 "C224/100"). 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: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site; and c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, 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 existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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. In the interests of highway safety.

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Parish: Huby

Ward: Huby

7

15/01509/FUL

Committee Date: 17 September 2015

Officer dealing: Mrs C Davies

Target Date: 30th September 2015

**Change of use of dwellinghouse to a bed and breakfast guest house.
at Rowan Brea Bell Lane Huby
for Mrs Amanda Pavis**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks to change the use of Rowan Brea, a two storey residential dwelling off Bell Lane, to a 4/5 bedroomed bed and breakfast guest house. It has been submitted in association with application reference 15/01063/OUT, seeking to erect a detached four bedroom dwelling house to the rear of Rowan Brea, to accommodate the bed and breakfast owners and their family. A business plan has been submitted with the application to illustrate how the enterprise would operate and to justify the new dwelling.
- 1.2 No external alterations are proposed as part of the scheme and the existing access on Bell Lane would continue to be used.
- 1.3 The site lies outside the Development Limits of Huby.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/83/070/0032C – Use of part of the existing dwellinghouse for bed and breakfast purposes; Granted 1987.
- 2.2 09/00117/FUL - Change of use of dwelling to bed/breakfast and construction of a dwelling; refused 20 April 2009, appeal dismissed 7 August 2009.
- 2.3 15/01063/OUT – Outline application for the construction for a two-storey 4 bedroom dwelling; report elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Development Policies DP1 - Protecting amenity
Development Policies DP16 – Economy and Employment
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP25 – Rural employment
Development Policies DP32 - General design
National Planning Policy Framework – published March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objections to the scheme. Off-road car parking is available and there are no external alterations proposed.

- 4.2 Environmental Health Officer – No objection. For the disabled guest room, it will also be necessary to have due regard to the width of doorways on the ground floor, to allow for wheelchair access. Furthermore, there is no readily accessible guest toilet or bathing facilities on the ground floor, necessitating a disabled person to access facilities on the first floor. When considering fire safety and exit routes from the building I would consider that safety would be enhanced if the inner front entrance door were re-hung so as to open into the entry vestibule rather than into the escape corridor and across the doorway of the ground floor front elevation left hand room.
- 4.3 NYCC Highways – No objections subject to a condition.
- 4.4 Ministry of Defence - no safeguarding objections to this proposal.
- 4.5 Yorkshire Water – No response.
- 4.6 Neighbours/site notice: No responses received.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of allowing the change of use in this location, outside the Development Limits, together with an assessment of the likely impact upon the character and appearance of the area, highway safety and neighbour amenity.
- 5.2 It is noted that planning permission was granted for a change of use to a bed and breakfast facility at Rowan Brea in 1987, however, that permission was not implemented and has since lapsed. Policy CP4 states that development outside the defined Development Limits of identified settlements will only be supported in specific circumstances. This includes two relevant criteria: (i) where development is necessary to meet the needs of tourism; and (vi) where it helps to support a sustainable rural economy.
- 5.3 The site falls 390m outside the Development Limits for the village of Huby, however, the site is well connected as there is a bus stop outside, a paved footpath to the village and there would be opportunities for cycling along the road network. It is anticipated that local businesses would be supported by visitors to the bed and breakfast and that the wider area offers further tourist opportunities with the National Park in close proximity. The bed and breakfast guest house would be a small scale development of 4/5 rooms providing two full time jobs and one part time job, it therefore accords with Policy DP25 which seeks to support rural employment opportunities.
- 5.4 The applicants have submitted a business plan to support the economic case for the Bed and Breakfast business and to support the separate application for a dwelling behind Rowan Brea for them to live in. This indicates that the business would not be viable unless it were of a size that requires the family to move out of the building to make way. They have confirmed in writing that they would be willing to accept a condition linking the operation of the bed and breakfast business to the new dwelling. Taking the above into account it is considered that exception criterion (i) would be met and that the requirements of Policies CP4 and DP25 would be satisfied.
- 5.5 Access to the Bed and Breakfast would be from the existing access to the property on Bell Lane and there would be ample space for parking on the site. The Highway Authority has visited the site and confirms that a suitable access could be achieved subject to a condition on parking layout. Taking the above into account, highways issues would be satisfied.

- 5.6 The property is a detached house, with established boundaries including hedges and above eye-level wooden fencing. There would be sufficient separation distances to neighbouring properties to ensure that residential amenity of neighbours would not be significantly adversely affected by the comings and goings of guests arising from the proposal. As there would be no external changes to the property there would be no significant adverse issues arising in terms of overlooking, overshadowing, or loss of privacy to neighbours and the proposal would accord with Policy DP1.
- 5.7 It is proposed that the four first floor bedrooms would be changed to guest rooms and that there would be one guest room down stairs. Environmental Health' comments on the provision of the accessible room downstairs, whilst not affecting the planning consideration of the case, have been passed on to the applicants for consideration. No external changes are proposed to the property and there are no issues arising in respect of the impact of the scheme upon the street scene or wider rural landscape. The proposal complies with Policies CP17 and DP32.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
 3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) vehicular parking for the proposed bed and breakfast use
 - (ii) vehicular turning arrangements for the proposed bed and breakfast use
 - (iii) manoeuvring arrangements for the proposed bed and breakfast useNo part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and proposed floor plans received by Hambleton District Council on 6 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without

undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework.

3. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
4. 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.

Parish: Huby

Ward: Huby

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15/01063/OUT

Committee Date: 17 September 2015

Officer dealing: Mrs C Davies

Target Date: 30 September 2015

Outline application for the construction of a two-storey 4 bedroom dwelling at Rowan Brea Bell Lane Huby for Mrs Amanda Pavis

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks outline consent for the construction of a detached four bedroom dwelling on land behind (to the south of) Rowan Brea, off Bell Lane. It has been submitted in association with application 15/01509/FUL seeking to change the use of the main house Rowan Brea to a 4/5 bed roomed bed and breakfast guest house. All matters have been reserved.
- 1.2 The applicant states that the new dwelling is required, for them to live in, due to the size of their family (2 adults and 4 children), and the requirement to secure a 4/5 bed room guest house in the existing property, to make the business viable. They state they are willing to accept a condition to tie the new dwelling to the operator of the bed and breakfast business.
- 1.3 The site for the new dwelling is accessed from Brownmoor Lane, directly to the east of Rowan Brea, a privately owned road available for public use. The site has an existing access through a field gate.
- 1.4 The site is presently vacant and includes grassed land and a number of former agricultural buildings in a state of disrepair. There are mature trees to the roadside boundary forming part of a group Tree Preservation Order. There are a number of other residential properties in the vicinity that front Sutton Road to the east and west and a dwelling to the south off Brownmoor Lane.
- 1.5 The site lies outside the Development Limits of Huby.
- 1.6 A business plan has been submitted with the application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/83/070/0032C – Use of part of the existing dwellinghouse for bed and breakfast purposes – Granted 1987.
- 2.2 09/00117/FUL - Change of use of dwelling to bed/breakfast and construction of a dwelling; refused 20 April 2009, appeal dismissed 7 August 2009.
- 2.3 15/01509/FUL – Change of use of Rowan Brea to a bed and breakfast guesthouse; report elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP9 - Development outside Development Limits

Development Policies DP1 - Protecting amenity
Interim Policy Guidance: Settlement Hierarchy and Housing Development in the Rural Areas - adopted by Council on 7th April 2015
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework – published March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – The application should be approved. It will provide employment and tourism for the local area. It is suggested that the new dwelling is sited to northern edge for ease of access to Rowan Brea and away from nearest neighbour at Red House.
- 4.2 Environmental Health Officer – no objection.
- 4.3 Senior Scientific Officer - The applicant has not submitted any information regarding the potential for contamination or whether the land is suitable for use. I would recommend the applicant submits a Preliminary Assessment of Land Contamination (PALC) form prior to determination. If not provided then a condition should be applied.
- 4.4 Highway Authority - There has been a previous application at this site (reference 09/00117FUL) and the Local Highway Authority recommendation remains applicable and is copied here. In the vicinity of the site Brownmoor Lane is a “ratione tenurae” (RT) road. It is privately maintainable but available for public use. It is usual with roads such as this that the maintenance liability rests with adjacent landowners but it is unclear whether the applicant is responsible in this case. The applicant should satisfy herself that the use of the lane for a dwelling has the agreement of all the parties responsible for maintenance. The Local Highway Authority has no objection to the use of the lane subject to a visibility improvement which can be achieved by the clearance of some plantings along the site’s boundary. Conditions on access, visibility, turning, parking, construction and highway condition are recommended.
- 4.5 Ministry of Defence - no safeguarding objections to this proposal.
- 4.6 Yorkshire Water – no objection. Development of the site should take place with separate systems for foul and surface water drainage and conditions are recommended.
- 4.7 Neighbours/site notice: Two comments have been received relating to the proposed access. One neighbour queries if the access to both properties will be via Brownmoor Lane or if they will they be treated as separate access points. Another neighbour comments that, if the access is via Brownmoor Lane then there should be a highway tarmac road surface from the road entrance to the property.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of allowing a dwelling in this location, outside the Development Limits, together with an assessment of the likely impact upon the character and appearance of the village, highway safety, neighbour amenity and drainage.
- 5.2 The site falls some way outside the Development Limits for the village of Huby and therefore the adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy

and Housing Development in the Rural Areas is not considered to apply as the site would not relate well to the pattern of existing development in the village.

- 5.3 Policy CP4 of the Hambleton Local Development Framework (LDF) defines a Settlement Hierarchy to help distribute development in a sustainable manner within the network of dispersed rural settlements. The policy indicates that development of a scale or nature appropriate to secure the sustainability of each settlement in the hierarchy will be supported within the development limits of the particular settlement. The supporting text explains most new development in the sub-area is to take place in the Principle Service Centre of Northallerton which provides a wide range of services and facilities serving the rural hinterland. Followed by Service Centres, and there is to be only limited development within the 4 Service Villages. Lower still in the hierarchy, are Secondary Villages that have a lesser range of services and facilities and here limited development may be acceptable within the defined development limits of the village. Outside the development limits and in the countryside development is not permitted other than in exceptional circumstances.
- 5.4 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions:
- i It is necessary to meet the needs of an farming, forestry, recreation, tourism and other enterprises that has an essential requirement to locate in this position and will help to support a sustainable rural economy;
 - ii It is necessary to secure an improvement to the environment of the conservation of a feature of acknowledged importance;
 - iii It would provide affordable housing or a community facility;
 - iv It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help meet locally identified need for affordable housing.
 - v It would make provision for renewable energy generation;
 - vi It would support the social and economic regeneration of rural areas.
- 5.5 The applicant has submitted a business plan to demonstrate that the new dwelling is required to support a viable Bed and Breakfast business at the existing property (Rowan Brea), the subject of application 15/01509/FUL. It is noted that the operation of the bed and breakfast would provide economic benefits to the area by promoting tourism and would support the rural economy, criteria i and vi above. The bed and breakfast facility would be in walking and cycling distance of the local public house and shop. The applicants have confirmed in writing that they would be willing to accept a condition linking the occupation of the new dwelling to the business. Taking this into account it is considered that exception criteria i and vi are met and that the requirements of Policy CP4 would be satisfied.
- 5.6 A neighbour has queried where the site access would be and although it is a reserved matter, a separate access to the new dwelling is shown via Brownmoor Lane on the illustrative plan. The Bed and Breakfast (the subject of the other planning application) would be accessed directly from Bell Lane using the existing access point. Another neighbour comments that Brownmoor Lane should be tarmacked to the site entrance. The Highway Authority has visited the site and confirms that a suitable access could be achieved subject to the application of suitable conditions including visibility splays. However, the Authority does not require the road to be surfaced. There would be ample space for parking on the site. Given the above, highways issues would be satisfied.
- 5.7 As the application is for outline consent only, the likely impact upon the amenities of the neighbours in terms of any overlooking, overshadowing, or loss of privacy cannot be fully assessed. However the proposal is for a detached dwelling and it is

considered that given the size and location of the site, a dwelling (single or two storey) could be accommodated on the site without significant loss of amenity to near neighbours at Rosedene, Little Oaks, or Red House. Sufficient amenity space could be provided for occupiers.

- 5.9 No details have been submitted in respect of the scale or appearance of the proposed property, however, given the size of the site, the context of two storey dwellings nearby, and heights of the existing buildings within the site, it is considered that a property could be satisfactorily developed on the site which would respect the surrounding rural landscape. Drawings would be required at the reserved matters stage, to ensure that protected trees on the site boundary would be retained and protected throughout the development of the site.
- 5.10 The site lies in Flood Zone 1 and as such should not suffer from river flooding. Yorkshire Water has not objected, but requires that conditions are applied in respect of foul and surface water drainage. There are no adverse issues arising in this respect.
- 5.11 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling would normally be liable for payment of CIL at a rate of £55 per sq. m although as a self-build development it is likely to be exempt.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Three years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site (including tree protection measures); (d) the layout of the proposed buildings and spaces including parking and any external storage areas.
 3. The dwelling hereby permitted shall only be occupied by those persons engaged in the running of the bed and breakfast business occupying the entirety of Rowan Brea, or dependents of those persons.
 4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship of the proposed development to the existing dwellings to the north. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 5. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be

advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of Brownmoor Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular access for the proposed dwelling; (ii) vehicular parking for the proposed dwelling and the bed and breakfast use; (iii) vehicular turning arrangements for the proposed dwelling and the bed and breakfast use; and (v) manoeuvring arrangements for the proposed dwelling and the bed and breakfast use
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2 above have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the

Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

13. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
14. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure compliance with Policy CP4 of the LDF as the Local Planning Authority would not normally approve a separate dwelling in this location.
4. 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.
5. 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.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with Policy DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
12. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.

13. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
14. In order to take proper account of any health risk arising from contamination.

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15/01543/OUT

**Outline application for the construction of a dwellinghouse as amended by plan received by Hambleton District Council on 14 August 2015.
at Land To The South West Of Prospect House Great Fencote North Yorkshire
for Mr D Ward.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the southern edge of the village, opposite St Andrews Church and Church House and immediately adjacent to Prospect House. The application site covers an area of approximately 0.07 hectares with a frontage onto the village street of approximately 30m and a depth of approximately 28m.

1.2 The site is bounded on the roadside by a timber fence and mature hedgerow. An access and entrance gate (granted planning permission in April 2015) lie on the front of the site towards the northern end. Timber fencing forms the boundary with the field beyond. A stone wall and timber fence forms the boundary with Prospect House.

1.3 The site forms part of a larger plot of land, which is not included within the application site boundary.

1.4 The application is for outline planning permission with all matters reserved. It is proposed to construct a single dwelling. Although the access is not included as a matter for consideration at this stage an amended plan has been received which illustrates its position towards the southern end of the site. This would require a 24m length of hedgerow to be removed. New hedgerow would be planted behind the splay of 28m to either side of the proposed access.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 15/00353/FUL - Retrospective application for construction of an access and entrance gate to agricultural land. Permission granted 17/4/2015.

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

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Parish Council - This land is outside the building limits for Great Fencote and any development would have an impact on the village street scene as it would require the removal of hedgerows etc and change the approach to the village. It is currently agricultural land and has not been approved for housing.

Permission for agricultural access was granted very recently on the understanding that it would be used relatively infrequently by tractors. There is no clear view round the corner from the entrance and it is very close to a road junction on that corner. This contravenes Highways requirement for access. Residential access and possible on-road parking would prove a danger to both drivers, who would be unable to see vehicles around the corner, and pedestrians, as there is no footpath to the centre of the village.

The applicant has signed ownership form B which indicates that there may be other persons with an interest in that land.

The following comments have been received on receipt of the amended plan:

Objections to the initial application still apply

The proposed new access is now closer to the bend and the road junction. Removing the hedge will improve visibility around the corner to some extent but this will impact on comments already made about altering the approach to the village and on wildlife.

Moving the hedge further back will only improve access from the property if the road is also going to be widened at this point. If it is to remain verge vehicles turning left or right will still have to swing out wide into the line of traffic on the corner and may not be seen by approaching traffic as the verge is considerably higher at the corner

The proposed property appears to be very close to Prospect House

As it is unclear at this stage what size of house is going to be proposed it is difficult to be precise, but assuming a family home, there could be a number of cars belonging to the family. Any roadside parking would present an immediate danger to other road users as vehicles would have to negotiate the corner on the wrong side of the road.

4.2 NYCC Highways - no objections to the proposed scheme subject to conditions

4.3 Environment Agency - no comments required

4.4 HDC Environmental Health Officer - no objections

4.5 Site notice/local residents - comments have been received from two local residents, which are summarised as follows:

1. Village does not need additional housing as there are no amenities to support
2. There would have to be exceptional circumstances to build on the land
3. The church is a heritage asset and this should be borne in mind
4. Parking at the church is already a problem, bearing in mind it is positioned on a road junction
5. Concerns with access and fast moving traffic on a blind bend even though it is within a 30mph limit
6. The road safety in the village has been unacceptable for some and is getting worse
7. Recent refusal of an application nearby; same argument should apply here
8. The amended plans has the site entrance situated in a more dangerous position than the original and to my mind quite unacceptable

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, neighbour amenity, highway safety and developer contributions.

5.2 The site falls outside of Development Limits as Great Fencote does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The

applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.5 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

5.6 In the 2014 settlement hierarchy contained within the IPG, Great Fencote is defined as an "other settlement" and is therefore classed as a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Great Fencote which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Kirkby Fleetham and Great and Little Fencotes. These three villages have long been linked economically and socially which continues to the present day. Collectively these three villages have churches, primary school, a pub and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Great Fencote is less than a mile distance from Kirkby Fleetham. Criterion 1 would be satisfied.

5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. Great Fencote is characterised by linear development on the eastern side of the village street between the church and the larger village green and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single infill dwelling and as such is considered, in principle, to be of a suitable scale.

5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be within part of a field that forms an infill plot within the village and which has as much in common with the village than with the rural landscape beyond, being adjacent to and opposite existing built development. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

5.9 The proposed development would require the removal of the hedgerow along the front boundary of the site in order to provide the required highway visibility splays. A greater length of hedgerow would be planted as a replacement and although set further back from the street (behind the splays) would still retain the soft edge to the road. As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. There is no identified harmful impact to the built or historic environment.

5.10 The proposed extension would lie adjacent to the neighbouring property at Prospect House and could be positioned and designed to adequately protect existing amenity. It is considered the proposed development would not be contrary to LDF Policy DP1.

5.11 Although the access is one of the reserved matters the Highway Authority, who objected to the use of the existing access due to unacceptable visibility, has no objections regarding the proposed development. If access is provided towards the southern end of the site there would be adequate visibility (the splay is included within the application site boundary) to ensure a safe access, notwithstanding its position closer to the corner and junction with Todd Lane opposite. It is not considered therefore that the proposed development would adversely impact highway safety.

5.12 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.

5.13 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be GRANTED subject to the following conditions:

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

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.

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 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.

5. The dwelling shall not be occupied after the end of the first planting season following the commencement of the development unless a hedge had been planted along the highway frontage immediately behind the visibility splays required by another condition of this permission. The hedge shall be thorn or beech, or such other species as may be agreed in writing by the Local Planning Authority before planting. Any hedging removed, dying, becoming seriously damaged or becoming seriously diseased within 5 years of planting shall be replaced by hedging of similar size and species to that originally planted.

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

7. 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.

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

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be

constructed in accordance with the approved Standard Detail number E6. e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. f. That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C40 Fleetham Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: c. vehicular parking d. vehicular turning arrangements e. manoeuvring arrangements f. loading and unloading arrangements.

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

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

14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 14 August 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 enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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15/00959/FUL

**Change of use of dwelling to a care home, Class C2 (8 residents).
at Northfield Oaktree Bank Knayton North Yorkshire
for Action4Care Limited (Mr Robert Hadfield).**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent to change the use of a dwellinghouse to a care home for 8 residents (Class C2 use). The dwelling is a large detached property sited between Knayton Primary School immediately to the south and Oak Tree House immediately to the north.

1.2 The property has recently been altered and extended utilising permitted development rights and is stated in the application as presently being used under Class C3b as a single household of no more than 6 people receiving care. The residents are adults with learning difficulties who also have "associated complex needs but wish to integrate with society in their rehabilitation".

1.3 The present use occupies 6 of the bedrooms and this proposal will result in an additional 2 residents being accommodated within the 2 further bedrooms. The use involves 6 staff together with additional visiting specialists and additional staff on site during change of shifts, there may be a maximum of 9 staff there at any one time. It is understood that the aim is to recruit these staff from the local area.

1.4 The proposal is for a total of 10 parking spaces on site to the front of the property. At present these are not laid out for use and the gates are kept shut which has led to concerns due to the fact that visiting medical and other professionals are parking unsafely outside on the highway (where there is a solid white line down the centre of the road). It is stated that the residents and staff who live beyond walking distance from the property are transported in a mini-bus but is now known that this is not yet in use (although one has been purchased) so individual cars are being used for the 6 residents.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 09/00325/FUL - Two storey extension to existing dwelling to form ancillary accommodation and construction of a detached domestic garage. Granted 2009

2.2 10/01207/MMA - Minor Material Amendment to relocate garage to previously approved scheme, two storey extension to existing dwelling to form ancillary accommodation and construction of a detached domestic garage as amended by plan received by Hambleton District Council on 31 March 2009 (09/00325/FUL) Permitted 4 July 2010

2.3 13/01008/FUL - Retrospective application for a change of use of annexe into separate dwelling. Refused 2013

2.4 15/00128/CAT3 – Enforcement case relating to the siting of a store to accommodate biomass boiler. Agent advised in June that an application is required for this.

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
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - make the following observations "The site is next to Knayton School which already has traffic problems due to the large number of vehicles which park at the school. It is felt that this site on the brow of the hill will add to this congestion and whilst Northfield has parking for some vehicles at the time when staff changeover takes place or there are visitors to the premises excess vehicles will have to park on the highway."

"The documents state that the Parish Council had initially expressed concerns with regards to Northfields. This is incorrect as this is the first time that any discussion on Northfields has taken place by the Parish Council as the Council received no information on these premises prior to this documentation."

Concern is also expressed about environmental problems from the biomass boiler and its associated smoke and fumes. This is the subject of an enforcement case and requires the submission of a further planning application.

4.2 NYCC Highways "The Highway Authority has sought extra information in relation to the parking space that is available for staff and visitors which will arise as a result of the proposals. The applicant's agent has indicated that there will be no addition to the existing staff numbers as a result of the proposal or visiting professionals. The application is supported by a plan indicating 10 spaces can be accommodated within the site. On visiting the site however it was apparent that the parking is not marked and vehicles are not parked as indicated within the site. There were also some vehicles parked on the footway outside the site on the road which were associated with professional visitors to the site. There was space available within the site but the gate to the south was closed and the 3 spaces marked near the boundary with the school were empty.

Given that the site is currently operating as a care home and that it is indicated that there will be no increase in staff or visitors an objection in relation to highway safety would be difficult to sustain. It is recommended that a scheme to ensure that the space for off street parking available for staff, visitors and deliveries is submitted and approved to discipline and maximise the use of the parking spaces available."

4.3 EHO - no comments relation to the change of use, but note they will look at Biomass boiler once an application is received.

4.4 Local residents - 2 objection received stating concerns about "The house has clearly now got residents and staff in as there are regularly two cars parked on the outside of property, usually one half parked on the pavement which impedes pedestrians and the other on the road adjacent to a solid white lane which cars travelling along the busy road need to pass. These cars are parked for long periods in addition to numerous vehicles which are stored within the house boundary (usually with the gates closed).

I would encourage you to visit this house regularly to view this unsafe parking for yourself. You will appreciate that the property is very close to the school (which currently is closed) and the brow of the hill. A regular review of these parked vehicles will support our concerns re this planning application which if successful would increase the number of visiting vehicles even further."

Concerns have also been raised about the biomass boiler and about external lighting which is on 24 hours a day positioned around the external exits which are very bright. Also

concerns that the alterations carried out have been extensive and have changed this from a 4 bed dwelling with annexe to the 8 bed property it now has become and it has a "utilitarian appearance" with the front garden all replaced by block paving and 5 bins together with a large medical waste bin outside.

There is concern that this property is no longer used like a "normal" dwellinghouse where there would be absences during the day, but is instead occupied by up to 14 people all day including weekends. The property now clearly looks like a care home rather than a dwelling. The neighbours have not been informed by the applicants at all. There are some screaming and loud arguments coming from the property also.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the use proposed in this location, together with the impact the proposal may have upon neighbours' amenities and highway safety.

5.2 The number of staff working at the property has not been clarified but it has been confirmed that at any one time there are generally 6 carers of the residents at the home with 9 "for a matter of minutes while shifts change". Doctors or other specialists also visit and most staff and visitors travel by car. The Agent has stated that the staff numbers will not change as a result of the proposed change of use as it is already operating under Class 3(b) use as a home for 6 residents and no additional staff will be required to care for the additional 2 residents.

5.3 The property is located outside of any defined settlement limits and as such the principle of allowing such a use in this location must be carefully considered. The property does not form part of the main community but is positioned away from the main village (albeit adjacent to the school and 2 other dwellings). However it is within walking distance of the village amenities of Borrowby and Knayton and the staffing is stated to be from the local area. The development would therefore contribute to the local economy, however the size of the benefit of the 8 person facility over the existing 6 person care establishment is not quantified or made clear, especially as no additional staff are to be employed.

5.4 As the property is adjacent to the village Primary School this site is not visually isolated, it is however relatively isolated from the services available in the market town of Thirsk (6km) and Northallerton (7km) that are relatively distant.

5.5 There have been concerns expressed by local residents regarding the parking of staff vehicles outside this site on the road and it is noted that the Highways Authority have commented that this is occurring and has been witnessed by the Highways Officer who was able to determine that it was a visiting social worker and similar professional parking outside. Recommendations have been made to ensure the parking area are laid out and used as required which will enable there to be sufficient on site parking. It must be noted that the site is adjacent to the school where traffic is obviously worse at the start and end of the school day. There is no evidence to show that the proposal would give rise to a loss of highway safety.

5.6 There have been a number of concerns expressed by local residents about the use itself, the emergency lighting, the alterations and extensions carried out to the property, the front garden now paved over to form a large parking area, and 5 waste bins including a medical waste bin on view outside. There is the concern that this is no longer a "normal" residence within a residential area as there are potentially 14 residents occupying the property including weekends (whereas normally a house would be vacant parts of through the day). The overall change in its character and appearance is of concern but is not significant to the appearance of the property in the streetscene to the passer-by. As it is sited adjacent to the school with only a few other dwellings it cannot be argued that it is within a solely residential area. It is suggested that conditions could be imposed to control

the hours the external lighting is in use and also a landscaping condition to help to screen the property and the waste bins in order to reduce its visual impact and impact upon the neighbours. It is also important to impose a condition relating to the number of residents and carers at the property to prevent the scale of operation increasing to an unacceptable level.

5.7 The planning balance in this case requires consideration of the social impacts of the formation of a care establishment together with the economic impacts of new employment opportunities and the environmental consideration of a care facility in a rural village. It is acknowledged that small care establishments fulfil a need for housing of those who are unable to live independently and is a social benefit. The creation of job opportunities is an economic benefit that has the potential to benefit the local economy. The location of the property relatively distant from a service centre is not ideal however the scheme re-uses an existing large home and measures are proposed to provide transport for those staff and residents to avoid isolation to provide access to a range of services. Accordingly the overall balance rests in support of the application.

6.0 RECOMMENDATION:

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

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

2. The use shall not be commenced until full details of a parking scheme to maximise the use of the space available within the site has been submitted to and approved in writing by the Local Planning Authority. Once agreed the scheme shall be laid out and implemented and retained for its intended purposes at all times

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

4. Prior to the commencement of use details of the locations and hours of use of all external illumination at the property shall be submitted to and approved in writing by the Local Planning Authority. The approved methods shall thereafter be retained.

5. The property shall only be used as a Class C2 residential care home for adults with special needs and at no time shall be occupied by more than 8 residents.

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 appropriate on-site vehicle parking facilities and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
4. In order to protect the amenities of residential property in the locality.
5. In order to protect the amenities of residential property in the locality.

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15/01306/MRC

**Removal of occupancy restriction condition (3) on application 13/00912/FUL
at Ship Service Station, Low Worsall
for Mr & Mrs P Neasham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Permission was granted in June 2013 to demolish a workshop/store at the rear of Ship Service Station to allow sufficient space for the building to be altered and extended. The proposal was intended to form an annexe on two levels consisting of a kitchen, dining room and lounge at ground floor level with 2 bedrooms and a bathroom above. The proposal included double garage at ground floor level and games room at first floor for use by the main dwelling and the annexe.
- 1.2 As now proposed, the application seeks to remove condition 3 of that permission, which restricts the use of the extension to an annexe to the main dwelling. If approved, this application would allow the annexe to be used as an independent dwelling. The submitted layout replaces the first floor games room with a bedroom and omits the connecting doors at first floor. To the front of the building, the existing petrol sales pumps and storage tanks are removed, providing for a small domestic front garden for the new dwelling, together with surfaced access to the proposed integral double garage.
- 1.3 A supporting statement has been submitted setting out that there is no longer a need for the annexe as approved and occupation as a separate dwelling would allow the existing owners to move into the new property on their retirement and allow the existing living accommodation to be used in conjunction with the service station, thus improving the likelihood of this useful local service being carried on by another party.
- 1.4 The site has commercial garage facilities at ground floor level, with a large garage workshop to the rear and owner's accommodation at first floor level. The owner's accommodation comprises of living room, dining room, kitchen, study, bathroom and 3 bedrooms with one en-suite. There is vehicular access and parking facilities at the front of the site.
- 1.5 Ship Service Station is sited on the northern side of the B1264 in Low Worsall, and lies between the Parish Church and the village pub. It forms part of a scattered part of the village along the main road. It is approximately 300 metres along a paved footpath from the turn into the larger part of the village, and is a similar distance from the village hall.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/098/0016E - Extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 31 May 1991.
- 2.2 2/92/098/0016F - Revised details of an extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 4 June 1992.
- 2.3 13/00912/FUL - Demolition of existing garage buildings and alterations and extension to dwelling to form an annex; Granted 26 June 2013.

Condition 3 of permission 13/00912/FUL reads:

The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Ship Service Station; shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP4 - Settlement hierarchy
National Planning Policy Framework

4.0 CONSULTATION

4.1 Parish Council – support approval.

4.2 Neighbours and site notice - no responses.

4.3 Press advertisement – to be advertised as a departure from the local plan – expiry 12 October 2015

5.0 OBSERVATIONS

5.1 Low Worsall is a village without status within the Settlement Hierarchy set out in Policy CP4 as adopted in 2007. In 2015 the Council adopted an Interim Guidance Note which updated the Hierarchy and includes Low Worsall as a Secondary Village which provides for a more flexible consideration of new development at the edge of settlements.

5.2 If this were an entirely new proposal, the proposed dwelling might be considered as insufficiently well connected to the village for full compliance with the Interim Guidance. However, taking into account that the physical development is previously approved, the development is acknowledged to be sustainably located, for example in terms of access to services, and in this respect is in accordance with NPPF paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

5.3 The NPPF further states, in paragraph 55, “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”. The dwelling that will be created if this application is approved would not be isolated and is within the wider framework of the village and is therefore supported by national planning policy.

5.4 There is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in

accordance with any other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.

- 5.5 The Interim Policy Guidance criteria are: “Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.”
- 5.6 The inclusion of Low Worsall in the updated Settlement Hierarchy as a Secondary Village indicates it is considered to be a reasonably sustainable location where an additional dwelling can be considered to support local services, which include a pub, church and modern village hall, all in relatively close proximity to and easily accessible from the site.
- 5.7 As a single additional dwelling it would be small in scale and as an addition to an existing building, on a previously developed site, it would have little effect on the form of the village.
- 5.8 The site is within the curtilage of an existing property and the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church any more than as previously approved, nor would there be any additional harm to the open character of the surroundings.
- 5.9 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the previously approved annexe.
- 5.10 Overall, for the above reasons, the proposal is considered to be in accordance with some elements of the Interim Guidance and fully in accordance with the NPPF. In this case, considering the fall-back of the approved annexe, it is considered that this alternative use of the building is, on balance, acceptable.
- 5.11 No external change is proposed from the previously approved annexe. Due to the alignment of the properties, there would not be any significant harm to the amenities of adjacent occupiers; this is the same as for the approved annexe. As now proposed the curtilage provides for a good standard of private amenity space at the rear.
- 5.12 With regard to highway safety, the curtilage as now proposed has relatively generous scope for off road parking, and its separate occupation would not raise concerns about highway safety. A plan and additional information in support of the proposal makes clear that there is provision for access to the proposed garages, and scope for turning within the site to exit in a forward gear. The frontage remaining under the control of the existing garage would be approximately 13 x 23 metres with adequate scope for customer and resident parking.

- 5.13 The previous consent is not implemented, as now proposed the new extension will be a separate dwelling and will be CIL liable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 105:13/02D received by Hambleton District Council on 11 June 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.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. 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.

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14/02450/FUL

Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure at Land to the East of Willow Dene, Sutton on the Forest for The Luxury Lodge & Holiday Company Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site, which covers an area of approximately 4.4 hectares, lies 200m from the south eastern edge of Sutton on the Forest (when measured in a direct line). The land is currently used for agricultural purposes (classified as grade 3a good quality) and is bounded by mature hawthorn hedgerows to two sides including a pond along the northern edge. The western boundary is formed by a post and wire fence. The southern, roadside, boundary has a line of semi mature trees, most of which lie outside the site on the highway verge. The site is relatively flat, sloping slightly downwards from north to south, with access from the south eastern corner of the field onto Green Lane (also known as Well Lane).
- 1.2 A Site of Importance for Nature Conservation (SINC) lies to the west of the application site. A strip of land to the rear of Willow Dene separates the site from the SINC.
- 1.3 It is proposed to change the use of the field to a site for holiday lodges. The application is for full planning permission and includes details of the site layout, the roadways, the access and parking, the position of the lodges and clubhouse building (including spa, bistro and shop). The submitted drawings also include details of the proposed buildings and lodges. A total of 46 lodges are proposed, which includes 39 two storey and 7 single storey with either two, three or four bedrooms.
- 1.4 A water feature (pond) is proposed in a central position within the site to accommodate surface water drainage for the development. Several lodges are proposed around the edge of the pond.
- 1.5 The lodges would all be pitched roof structures finished in larch cladding and slate effect roofs and set on natural stone plinths. The clubhouse building is two storey and would be finished in brickwork with a stone parapet around a flat 'green' roof and timber windows. A timber framed pergola/balcony/veranda structure is proposed on the northern elevation facing onto the central water feature. The roadways through the site would be surfaced with hardcore.
- 1.6 Tennis courts are proposed at the southern edge of the site adjacent to the access. An area of open space to include a play area and picnic area is proposed in the south western corner of the site.
- 1.7 Landscaping is proposed throughout the site and along the boundaries of the application site. This includes the planting of deciduous and evergreen trees, grassland and woodland and the reinforcement of existing hedgerows.
- 1.8 Parking is proposed within the site for the individual lodges with the provision of a grasscrete (or similar) strip to provide at least two spaces for each lodge. A car park

is proposed close to the entrance to the site to provide a total of 14 spaces to be used by visitors to the spa/bistro/shop.

- 1.9 An unsurfaced public right of way bisects the south western corner of the application site. It is proposed to divert the footpath around the south western edge of the site (through the proposed open space), retaining the existing entry and exit points. Alterations are proposed to the existing public right of way between the application site and Carr Lane, to upgrade the surface by installing membrane matting that allows grass to grow back through the material.
- 1.10 It is proposed to create a passing place on Green Lane between the application site and the junction with Carr Lane.
- 1.11 Lighting is proposed within the site using low level bollards although a specific scheme has not yet been provided and would be expected to be provided as a planning condition should permission be granted.
- 1.12 It is proposed to drain the site to the main foul drainage system with a connection into the sewer on Carr Lane, at a point approximately 350m north west of the application site. This would require a connection to be made across adjacent farmland that lies outside the application site boundary but confirmation has been received from Yorkshire Water that they would provide a sewer requisition to link the development site to the existing sewer network. A pumping station would be required on site and foul water drainage would be restricted to 3 litres per second.
- 1.13 The application was submitted with and supplemented by, the following documents:
 - Planning application form
 - Location plan
 - Site Layout plan
 - Topographical Survey
 - Elevation drawings and floor plans
 - Planning statement
 - Design and access statement
 - Consultation Statement
 - Highways and Transportation Appraisal
 - Contaminated Land Assessment
 - Drainage Strategy
 - Preliminary assessment of land contamination form
 - Ecological Assessment
 - Hydrology report
 - Landscape and Visual Impact Assessment (LVIA)
 - Tourism and Economic Impact Report
 - Foul Drainage Assessment
 - Tree Survey
 - Landscape Masterplan
 - Proposed Planting
 - Agricultural Land Classification
 - Public Rights of Way Review

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None

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 CP12 - Priorities for employment development
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 DP5 - Community facilities
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 DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Good Practice Guide on Planning for Tourism – May 2006
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - wish to see the application refused:

1. The proposed development is of a disproportionate scale to the village and represents an amount of development that will have a harmful effect on the setting of the village and impact negatively on its character.
2. The Parish Council consider the proposal will not benefit the community and there is nothing within the context of the application which can be perceived as a benefit
3. The Parish Council appreciates that some tourist related development can lead to economic benefits. However, this has not been evidenced within the Parish itself.
4. By the very nature of the use proposed, future occupiers would be transient and would not be in a position to develop strong community links with the village and therefore the chance of integrating with the village is very limited
5. There is little by way of existing landscaping to rely on to minimise the visual harm the proposal would create and the development demonstrably harms the setting of the village.
6. There are existing facilities within 3 miles of the village which all serve to meet demand for tourism.
7. Reliance is made upon the Inspector's decision at Goosewood to justify the assertion that Sutton on the Forest is a sustainable location for tourism development. The Parish Council consider that when read as a whole, the Inspector was mindful of the following points; the proposal was an extension to an existing facility, the boundaries to the site were established and it was well screened and that the location of the site was in proximity to other economic uses. None of these points are readily applicable to this proposal and the Parish Council consider no weight can be given to it in reaching a decision on this application.

8. Policy DP30 seeks to safeguard the openness and intrinsic character of the landscape and explains it should be respected. It is difficult to understand how 46 lodges on this small site can achieve the same aim.
9. To subject the occupiers of this house (Moorend Villa) to the additional burden of traffic (one additional car movement per 6 minutes) is to harm their levels of amenity and therefore the proposal should be refused.
10. There is also little detail of site or property external lighting in general. This could have a very damaging and urbanising effect on the locality when in use if not adequately screened, bearing in mind that the village is a low light area at the wish of residents.
11. Given the alignment of the road, vehicles speeds are high. It is unlit and there is no footway. It is well used by agricultural and commercial vehicles which take up the full width of the road. It will be dangerous for non vehicular traffic to use from this development and has the potential to cause a lot of conflict.
12. Access to the bus stop is via the PROW. This is unlit and not an attractive route.
13. The design and style of the proposed buildings do not in any way relate to the local distinctiveness. The materials are alien to the village as is the attempt at a contemporary design
14. The apparent loose grouping of buildings around a simple road layout is poor and uninspiring.
15. the drain emerging near the footpath sign takes surface water from the Sterne Way/Stillington Road end of the village and crosses the field due to be developed. Should building work damage this drain there would be severe consequences for that part of the village. It is noted that the culvert for this drain is damaged as can be seen from the dip in the road at this point
16. It is unlikely that the existing drainage system along Well Lane will cope.
17. Policy DP34 of the LDF requires all developments of 1,000 sqm or more to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures. The Parish Council consider this should be considered at an early a stage as possible. The visual effect of solar panels could be harmful and if additional landscaping is proposed, rendered unsuitable.
18. It is adjacent to Moor End which is the village's only nature reserve and is one of the remaining parts of the Forest of Galtres and is a rare wet woodland habitat. This is a sensitive location which could potentially be damaged by changes in the eco system and the close proximity of housing.
19. Analysis of the figures within the Tourism and Economic Impact document shows it is deeply flawed
20. The proposed site is very different to the 3 other caravan sites mentioned by the applicant, which are either in mature woodland or the National Park and not within the York commuter belt as is this site.
21. A traffic count undertaken by residents demonstrates that Well Lane is not a safe and acceptable access route due to the hazard posed by the speed and volume of traffic on this narrow country lane.
22. The planting scheme is not accurate and would result in much less planting than is proposed
23. The applicant has concentrated on improving the short footpath bordering the Moor End nature Reserve despite the comments made by his own ecology report regarding the possible harm caused by increased footfall.
24. The foul drainage in Sutton on the Forest is a sensitive subject because of a history of problems and there is considerable public interest in the possible consequences of connecting another 46 large properties to the system.
25. The detrimental effect identified by Naturally Wild should be taken into account when deciding the suitability of locating such a development adjacent to a SINC.

26. The details of the surface water drainage within the application site are not well defined, and have not been subjected to the scrutiny of an experienced hydrologist to identify any impact on the SINC, despite concerns expressed by the councillor with responsibility for Moor End.
 27. We do not believe that this field has been ploughed in the last four years and probably not for several years before that. Thus the conclusions regarding its natural value may be flawed.
 28. Sutton on the Forest is now a commuter village serving York, with little activity during the day and no amenities or attractions for visitors. However, it has negligible unemployment. Thus, by definition it cannot benefit from tourist revenue in any way.
 29. The interesting working rural village has long gone, and it is arguable that there are very many more suitable sites in Hambleton, with significant unemployment, attractive tourist venues and a shortage of holiday accommodation which desperately need this kind of development.
 30. The submitted appeal statement in support of the application relating to the development of high grade agricultural land for housing is not relevant to an application for holiday lodges.
 31. Yorkshire Water accept the proposed drainage from domestic development but the proposed bistro is very different and would be more heavily contaminated.
 32. We remain extremely concerned about Yorkshire Water's agreement to the connection of a further 46 properties to the Carr Lane sewer. This decision was made in response to the Environment Agency's refusal to contemplate an on-site sewage treatment plant because of pollution risk. An event recently occurred; the EA's fear of pollution is therefore already occurring.
 33. The hydrology report assumes the proposed scheme for surface water drainage is viable. Questions remain about the responsibility and effectiveness of the existing system.
- 4.2 NYCC Highways and Public Rights of Way - In the submitted Highways and Transportation Appraisal it is stated that the predicted peak hour traffic generation for the development will be less than 11 two-way trips. The Local Highway Authority accepts this predicted traffic generation. A passing place is to be provided as are improvements to the existing public right of way which links the site to the village. Conditions are recommended.
 - 4.3 Yorkshire Water - Yorkshire Water has received further information regarding the above proposed development. We confirm that we have no objection to domestic foul water only discharging to the 150mm diameter public foul water sewer recorded in Carr Lane. If planning permission is granted a condition is recommended in order to protect the local aquatic environment and YW infrastructure.
 - 4.4 Environment Agency - The information contained in the new "Drainage" document states that a proposed mains connection for foul drainage is being discussed with Yorkshire Water.
 - 4.5 Kyle & Upper Ouse Internal Drainage Board (IDB) - no comments received
 - 4.6 Foss IDB - This application is not within the Foss Internal Drainage Board district although it does have a proximity to the Boards catchment. Surface water from the area may enter Board assets to the east of the application site.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharge arrangements from the site are to connect to a public or

private sewer before outfalling into a watercourse or to outfall directly into a watercourse.

The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Conditions are recommended.

- 4.7 Environmental Health Officer - The applicant has submitted a desk study report in support of the above application. The report does not identify any potential sources of contamination; however it does make recommendation for further investigation of infilled ground at the site of a former pond and verification of imported materials for contamination. I agree with these recommendations and would propose the addition of a condition regarding an assessment of risks and a scheme of remediation.
- 4.8 HDC Business and Community - have provided a critique of the submitted tourism report and comment as follows:

This does appear to be a very thorough and detailed piece of work carried out by a partnership with some good credentials. There are some points I would want to raise which I do not think they have covered or points where I would say that there is some difference of opinion between HDC and the partnership who have written the report.

These points cover access, opportunities and issues for the local economy. There is an opportunity following the Olympics and Tour de France to attract more people to our area building on the success of the events and the increased interest.

Access

This is a rural area and access for employees could be difficult as the provision of public transport is very limited and under further threat through cuts by the County Council. Some of the roles could require people to work unsocial hours and unless they have their own transport access to these opportunities could be limited. We have experience of this in other locations, where employers struggle to recruit due to potential employees not being able to get to the jobs. More cars on the roads around the area would be inevitable.

Opportunities/threats

The report's authors mention the great opportunity this development will bring for the local economy. The proximity to York could mean that any growth in the local supply chain could flow south rather than Hambleton benefitting. They mention "this future will reap rewards for local businesses near to the holiday park as additional leakage from the site becomes invested in local hospitality and retail business". I would agree with this to a point; however it depends what facilities are based on site, e.g. restaurants, but visitors to these holiday destinations often choose to stay on site to eat/drink either at the facilities provided their or cater for themselves in the lodge.

The jobs described are mainly low wage opportunities and the higher level jobs are limited in number. They include the LEP priorities in the report stating "Employment - particularly as a potential solution for youth (16-24 year old) unemployment in the area. Our levels of unemployment are low. Easingwold which is the nearest town has 2.8% unemployment (Economic Study Baseline Report). The Economic Study does say that Easingwold has an extremely limited retail offer. It has significant leakage to York already and I think York City Centre would be the beneficiary of any expenditure in the area by visitors not necessarily the market towns. I don't think the authors of the report have covered this. Transport is already available into York from Easingwold.

In the Economic Study Baseline Report within sub sector forecasts it does state "The major growth is expected in the Leisure tourism sector with growth of 35.6% or just over 1,000 jobs between 2011 and 2026 in Accommodation and food services employment.

The Economic Study goes on to say:

Looking to the future, there is a clear opportunity to continue to protect the diversity within the local economic base, in terms of its sectoral exposure. Whilst the LEP strategy identifies the key sectors, forecasting suggests that Hambleton can benefit from growth within other sectors.

The key opportunity within these sectors is to target those which have the highest potential for significant employment and Gross Value Added potential for the local economy. The sectors identified include Accommodation and food services (linked to the tourism sector within Hambleton).

There is other quality accommodation in the area and whilst we have nothing against competition I suspect the marketing budget available to the company developing this scheme would far outweigh that of the competition. Some of our current accommodation providers are diversifying to provide lodge accommodation in order to remain competitive in a changing market place. They do include a review of the local accommodation, which includes at least 13 other businesses within 10 miles.

Some questions arise:

1. Will the facilities (café or restaurant) be open to the general public or just residents of the lodges?
2. Will they be providing food in the lodges in the form of welcome packs etc? This could allow us to take advantage of some of the links that could be made with local suppliers.
3. What other facilities might be brought on stream in the future which could have a negative impact on the local area such as shops?
4. Have they thought of any environmental measures to offset the impact of more cars in the area on roads in this rural area?

- 4.9 The Ramblers - Footpath No.1 crosses the site from the stile at the boundary of the SINC to where a former field boundary meets the lane from Carr lane to Brown Moor (U1704). The farmer has recently maintained a usable line for this cross field path, for which we thank him.

Near the T-Junction on this Lane, near Brown Moor, there is the start of a network of paths to Stillington and Sheriff Hutton. Footpath No.2 starts from the Carr Lane end of this Lane and provides 2 walking routes to the Village avoiding Carr Lane (U1705).

It is stated that people using the Site could walk over the common to an existing bus stop, however the bus operator may be able to provide an additional bus stop nearer the lane end.

As such we believe that should this development be permitted in whole or part a green pathway from the present eastern start of FP.1 as far as the T-Junction with Carr Lane should be conditioned with any passing place being positioned on the south side of the lane. Such a pathway would open up the possibility of using FP.2 and hence provide circular walks to the village.

We note it is proposed to replace the present stile where FP.1 enters the SINC with a new stile. In view of the Disability Discrimination Act we suggest a gate should be provided instead of a stile at this point.

- 4.10 North Yorkshire Police - makes suggestions regarding crime prevention and recommends a condition requiring the submission of further details to address these points.
- 4.11 Network Rail - no observations
- 4.12 Historic England - no comments
- 4.13 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.
- 4.14 NYCC Countryside Service - there is potential for indirect impacts during both the construction phase and on-going impacts once the holiday park is in operation. Indirect effects may for example include: hydrological impacts e.g. de-watering of SINC wetland habitats (the development plans include the construction of a new lake) with possible adverse effects on species such as newts; disturbance effects from increased noise and lighting which may affect the survival and breeding success of species using the SINC and other adjacent habitats e.g. species such as bats using the hedgerow/mature trees along the northern boundary of the development site; impacts to road verge vegetation (e.g. orchids) from increased traffic/highway improvements associated with the development; the risk of introducing invasive non-native species or other inappropriate species e.g. fish to newt ponds, garden plants etc.
- 4.15 Yorkshire Wildlife Trust - have some serious concerns that the application as it stands lacks a sufficient level of ecological information to demonstrate that the development will not result in a decline in biodiversity on the site or in the surrounding area, or on protected species found in the area. We recommend that before planning permission is granted the developer must ensure that there will be no adverse impacts on the adjacent Sutton-on-the-forest SINC.
- 4.16 Welcome to Yorkshire - our understanding is that the holiday lodges will be for holiday occupancy only and that owners will be encouraged to let the accommodation to potential visitors to the area. This is key as we are very keen to have additional high end accommodation for prospective visitors, particularly in prime geographic locations such as this development proposal. The location of the site will provide an excellent touring base, giving easy access to York, the North York Moors and Yorkshire Dales National Parks and the heritage coastline.

Given that the location is perfect for visitors, our next requirement is accommodation which appeals to high end, high spending visitors. The lodges are to be bespoke,

comprising natural and contemporary materials and fitted out using luxury fittings and furniture and therefore completely meeting the needs of the visitors we target.

Direct job creation at 44 is considerable and when added to the 86 temporary construction jobs is a great boost to the rural economy. The economic boost of direct and indirect spending from visitors at places to eat and drink and visit for days out is also very compelling.

Welcome to Yorkshire depends on very high quality tourism projects to cater for the needs of the visitors we target. We need to demonstrate that Yorkshire is able to meet the needs of its visitors and it is for this reason that we have given our full support to this very exciting proposal.

- 4.17 Site notice/press advert/local residents - a significant number of objections have been received from residents of the village and the surrounding area and from others who are visitors to the area. Almost 250 objections have been received from the local community, raising concerns regarding the following matters:

Sustainability

- A bistro, a shop and a spa thus creating a separate estate outside of the village
- Local amenities and facilities could not absorb this excessive increase in population
- Would perform like a housing development in terms of traffic generation, drainage requirements, impact on the landscape and social cohesion of the village. It just would not provide any affordable housing, children for the local primary school, residents participating in village community life or help to sustain local facilities. It would deliver none of the advantages which well designed new housing could deliver to the village
- The number of lodges is excessive for a country village

Visual impact on landscape

- Design does not fit with village
- Design of buildings inappropriate especially clubhouse
- this development will be a carbuncle on the side of a very pretty village
- Village would be swamped and lose its character
- The site is currently a flat featureless field
- With the exception of the Moorend local nature reserve there is little or no tree coverage and the hedgerows are broken and sparse. There is little or no intervening vegetation between the proposed development and those local houses which are noted in the landscape assessment as overlooking the site. Indeed many other houses would be able to overlook the site from Carr Lane and the end of The Gowans than is indicated in the landscape assessment
- In such a flat unscreened landscape the magnitude of change resulting from the introduction of 46, mainly two storey houses could not in any stretch of the imagination be as negligible as implied in the landscape impact report.
- Creation of an artificial hill from the excavated material from the pond would be an incongruous intrusion into such a sensitive landscape, though of a lesser extent than the house building, spa and bistro construction
- It would take 20 years for adequate screening to grow to an effective size

Impact on residential amenity

- Noise nuisance
- Affect the view
- The village supports and is recognised as a low light level area. Any proposed lighting scheme for this development will inevitably be intrusive
- Principle of development on greenfield land

- Unsustainable; no nearby attractions
- Viability of scheme questioned
- No benefit to village; negative impact - competition with existing businesses
- No need due to existing provision in locality
- Change character of village

Traffic and access

- increased amount of traffic in the locality
- danger to pedestrians
- This is a narrow single track country lane, but not a quiet backwater as depicted. It forms part of a rat run from the A64 via Flaxton and Sheriff Hutton to the York Road and thence to Clifton Moor
- The junction of Well Lane and Carr Lane is dangerous, particularly for vehicles turning towards the village, as it is necessary to pull out into Carr Lane to get an unobstructed view in the York direction
- Given the poor condition of local roads, particularly at the edges, and the amount and speed of traffic, this is not a safe area for family cycling
- Although the developer clearly states their intention to integrate with the local community, no footway is being required along Green Lane to meet the requirement for pedestrian safety and convenience

Drainage

- Additional properties into a near capacity system is not appropriate
- A day of moderate to heavy rain results in very soggy ground conditions and areas of standing water which take several days to drain
- Cleaning and ongoing maintenance of the culvert, pipe and ditch required to ensure that the drainage water from the development flows unhindered into ultimately White Carr Beck.

Economic impact

- Sutton on the Forest is not a tourist village
- Not been demonstrated that this site rather than any other is essential to support tourism
- Larger centres would benefit; no economic benefit to the village
- Goosewood seems to have persistent problems in recruiting staff
- The village has a high proportion of white collar workers, both currently working and retired, and they and their dependants are unlikely to seek employment as cleaners, kitchen staff etc. Permanent staff seem to be sourced from York City or possibly Easingwold and their travel is not by sustainable means
- Nearby Goosewood which has planning permission for 100 holiday homes, but has had to scale this back down to just 34 because of lack of any real demand
- The proposed houses would be self-contained and not part of a larger tourist offer
- any economic benefit would be marginal and more than outweighed by the harm arising from other aspects of the development
- The presence of the spa and bistro is by no means guaranteed. They will be separate business ventures dependent on the proven custom from the lodge occupiers. No planning agreement can force the operation of an uneconomic business
- Rather than benefitting the Rose and Crown in the village the development may even draw custom away

Biodiversity

- The proposed site is adjacent to the Moor End Nature Reserve. This is an important site for breeding Great Crested Newts because the conditions are perfect for them

- There are rare orchids in this area which take 15 years for seeds to develop together with great crested newts which follow the culverts
- Complaints about adjacent agricultural and industrial uses
- Loss of agricultural land on the edge of the village
- Moor End is the only example of Lowland Heath in Hambleton
- The presence of rare Northern Marsh Orchid and other rare plants

Issues have also been raised regarding the loss of property value, the occupancy of the buildings as unrestricted dwellings and the phasing of the development.

- 4.18 Two comments have been received in support of the development, which state it would bring jobs and revenue without disruption to the village and that the development should be properly screened and the road and passing places should be repaired and resurfaced.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the principle of the proposed development in this rural location and its sustainability; the benefit it would have to local businesses and the community; the impact on the character and appearance of the landscape; the impact on biodiversity; the effect of noise and activity on the surrounding locality include the impact on local residents and local businesses; drainage and highway matters.

- 5.2 There are no heritage assets in the locality that would be affected by the proposed development.

The principle and sustainability of the development

- 5.3 Paragraph 28 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors and where it would respect the character of the countryside. This also includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 5.4 The Council has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.5 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community's housing economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.
- 5.6 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.7 The Good Practice Guide on Planning for Tourism advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when

located close to existing settlements and other services as some local services may be accessed by means other than the car.

- 5.8 The site lies outside the Development Limits of Sutton on the Forest. LDF Policy CP4 seeks to direct development to the more sustainable locations within the District and therefore takes a restrictive stance on development outside defined Development Limits. However, the policy allows for six exceptions:
- i It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi It would support the social and economic regeneration of rural areas.
- 5.9 The proposed holiday lodge site is of substantial size and its inclusion within or adjacent to the development limits would be likely to cause conflict with established land-uses. Furthermore, it seems reasonable to accept that visitors demand a 'countryside location' for this type of development. In certain circumstances, it is reasonable to assume that a site closer to a sustainable settlement could compromise viability if the selling point of the development is the rural location.
- 5.10 Criterion i of Policy CP4 requires the development to meet the needs of tourism. As stated by Welcome to Yorkshire, high quality accommodation attracts high spending visitors.
- 5.11 The proposed provision of a shop within the complex, available for use by those not occupying the site is arguably a community facility that is not available within the village itself and is within walking distance thereby addressing criterion iii of Policy CP4.
- 5.12 It is the intention of the applicant to allow the use of the proposed facilities, including bistro shop and spa, to be open to the local community. The provision of jobs would also benefit the local community, particularly young people, thereby addressing criterion vi of Policy CP4.
- 5.13 The local area offers opportunities for cycling along the road network and walking. The proposed development is considered to be in broad compliance with the requirements of Policy CP1 and has options for travel other than the car acknowledging that travel in rural areas for holiday purposes will commonly be by car it is considered that taking a balanced approach to the LDF policy and the NPPF the proposal accords with objectives of CP2.

Economic Impact

- 5.14 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective. Paragraph 28 of the NPPF requires Local Plan policies to support economic growth

in rural areas. There is some doubt expressed by the Council's Business and Support officer that the proposed development would give rise to local economic benefit but would be more likely to provide benefits further afield. For example, visitors may shop before arriving, dine within their lodges and stay within the boundaries of the site for most of their stay and if they do travel beyond the site would visit attractions that are further afield such as York. However, that would appear to be fairly typical for a tourism development and not necessarily specific to this scheme.

- 5.15 It is also suggested that staff may be employed from further afield and therefore not provide any benefits to the local economy as required by the NPPF and Policy CP4, although it is not possible to predict this. There would be a greater reliance on public transport by potential staff that might be within the 16-24 age range and there is minimal public transport provision in the vicinity, particularly at unsocial hours. The applicant has suggested the operation of a mini bus service, which could be secured by means of Travel Plan, which would assist in facilitating access for local workers.
- 5.16 The need for this particular type of development has been assessed within the submitted Tourism and Economic Impact Report. The aim would be to “develop green, high-quality tourism with a unique, locally-distinctive offer” as identified within the Strategic Economic Plan for North Yorkshire (produced by the York, North Yorkshire & East Riding Local Enterprise Partnership in March 2014).
- 5.17 The site is located approximately 1km from the centre of Sutton on the Forest and approximately 7km south east of Easingwold, which offers a range of shops, services, attractions and public transport services. Some benefit would arise to local businesses such as the village pub, Sutton Park and businesses within Easingwold and therefore the development is likely to result in some benefits within the immediate locality. One of the attractions of rural tourism developments is the remote location, and they are therefore often sited in areas with limited public transport facilities. There is currently a bus service between Easingwold and York, passing close by the application site, which provides an alternative option to the private car. There is no doubt that the proximity to York would be one of the attractions for the location but there are also attractions in the immediate vicinity such as Sutton Park; specialist retailers and local restaurants such as the Rose and Crown Public House in the Main Street and Pampas on York Road. The wider area offers further tourism opportunities including the attractions of the Howardian Hills AONB and the North York Moors National Park, including Castle Howard and Nunnington Hall.
- 5.18 Facilities are proposed to be provided on site and, in this case, there is a balance to be made between providing a sustainable development with on-site provision to prevent visitors driving away from the site every day and also to encourage visitors to leave the site and spend money in the local community and wider area. Whichever option visitors choose would result in economic benefits, in compliance with aim of the NPPF to build a strong competitive economy.
- 5.19 The applicant's agent address the points made by the Council's Business and Community Officer by confirming that the on-site facilities would be available for use by the general public and the operation of the business would ensure procurement links with local suppliers. The forecasts produced, which estimate the likely number of jobs created, is based on the Government's forecasting model; the proposed development is intended to create additional business rather than encroaching on existing market share.
- 5.20 It is suggested that this information demonstrates the contribution towards sustaining the social and economic needs of the local rural community and that of the wider

area and is therefore in accordance with the NPPF and is considered to be exceptional to meet the terms of the LDF Policies CP1, CP2 and the criteria of CP4.

- 5.21 The agricultural land within the application site boundary has been classified as grade 3a, which is good quality land and is therefore the best and most versatile (BMV) category. A detailed search for alternative, lower quality alternative sites has not been undertaken; this is because most of the land within the locality is classified as grade 3 but is not broken down into sub categories and any further investigation would be extremely costly requiring a soil scientist to undertake detailed survey work of a wide area. However, from high-level data that does not distinguish between grades 3a and 3b it would appear that land below grade 3 is not available locally. If it is accepted that the development is appropriate to the locality, in the vicinity of Sutton on the Forest, then it is likely that good quality land would need to be developed. Appropriate weight needs to be given to the loss of the BMV, balanced against the benefits of the scheme; in this case the economic, social and environmental benefits of the proposed development.

Social and community

- 5.22 The perceived benefits include the provision of community facilities including a shop and an upgraded footpath link from the village to the application site. It is also stated that the proposed development could lead to improvements to the SINC, as a result of the introduction of a management plan, which is discussed later within this report.
- 5.23 Concerns have been raised about the proposed development affecting the amenity of local residents and countryside users due to the traffic, activity and noise associated with the proposals. The development is over 50m distant from the nearest neighbouring dwelling to the west and more than 200m from the edge of the village Development Limits. The proposed access is sited further from neighbouring dwellings. It is not considered that the distances involved would lead to an unacceptable degree of noise and disturbance from the site and would not be contrary to LDF Policy DP1.

Landscape and Visual Impact

- 5.24 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..."
- 5.25 The site is currently open farmland, most recently grazed by sheep. The site is open in nature and not of a high standard with landscape features including hedgerows, some trees and a pond adjacent to the northern boundary. The site is not prominent from the road due to the well-established landscaping along the roadside but is visible from stretches of Green Lane and from properties on the eastern edge of the village. The site does not lie within an area of special landscape designation.
- 5.26 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, confirming that the site would be visible from close locations such as the public right of way and with transitional views along Green Lane. The impact from

further afield would be less with glimpses of the site from the surrounding roads at long range, viewed against a backdrop of the adjacent woodland.

- 5.27 The proposed development requires the provision of a landscaped setting. Other than the existing woodland to the west, which is not directly adjacent, landscaping would have to be provided to add to the setting and supplement existing features. This clearly would take a period of time to become established and effective and the built structures would be visible for a number of years. In order to address this it is proposed to undertake the development in phases and plant the landscaping at an early stage so that it becomes established as the later parts of the development progress.
- 5.28 The proposed landscaping provides an opportunity to improve the appearance of the application site with the introduction of a significant number of new landscape features including trees, a pond and meadows.
- 5.29 The individual units are simple timber clad cabin types that are appropriate to holiday use in a rural area. It would not be appropriate for them to be designed to reflect the character and materials of existing buildings within the village otherwise it would look like a separate settlement rather than as a site for holiday lodges. The proposed lodges are set around open water features and extensive natural planting is proposed. The two storey units proposed have potential to be more imposing, and care is needed in their siting. In this instance they are located away from the northern boundary, closest to the village, where single storey lodges are proposed instead and set at a lower ground level. Due to the muted, natural materials proposed, the upper parts that would remain in view prior to the maturity of the proposed tree planting would blend with the natural surroundings.

Biodiversity

- 5.30 Paragraph 118 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by applying principles, which include the following:
- If significant harm resulting from a development cannot be avoided then planning permission should be refused
 - Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats
- 5.31 LDF Policy DP31 requires locally important sites (such as SINC)s to be protected and enhanced as appropriate to their local importance.
- 5.32 A Preliminary Ecological Appraisal was submitted with the planning application and an assessment of that document was undertaken on behalf of the Council by RDF Ecology. The assessment was critical of the initial appraisal in respect of its survey methodology and validity of data. It concluded that the Local Planning Authority was unable to make a reliable judgement on the potential impacts of the development on protected species and habitats.
- 5.33 A further Ecological Assessment has now been undertaken on behalf of the applicant concluding that mitigation and compensatory measures can be incorporated into the development to minimise its impact on protected species (including great crested newts) and habitats. This report has also been assessed by RDF Ecology. This assessment concludes that the methodology and data are much more reliable and that mitigation and compensatory measures could be implemented. It also concludes that the proposed landscape scheme for the development has the potential to provide important areas of valuable habitat for feeding and commuting bats, if designed and implemented correctly in conjunction with an appropriate low level lighting scheme.

The proposed landscape scheme for the development has the potential to provide important areas of valuable habitat for breeding and feeding birds, if appropriately designed.

- 5.34 An hydrological report has been submitted and assessed by Arcus on behalf of the Council. The assessment agrees with the conclusion within the report that concludes that “there is unlikely to be any direct groundwater flow between the proposed development site and the SINC” but recommends a condition requiring the submission of a hydrological management strategy to ensure that this remains in place.
- 5.35 To conclude therefore, it is possible that appropriate mitigation and compensatory measures could be achieved to minimise the harm to the SINC and the protected species in the locality. Indeed the proposed landscaping measures could improve the locality by the creation of habitats within a currently grazed field, which has a lower value for biodiversity. In the absence of a hydrology assessment however, it cannot be determined what harm could be done to the SINC and in particular to the great crested newt populations should the development result in a drop in water levels.
- 5.36 A licence would be required from Natural England to relocate great crested newts from the application site prior to work commencing and any mitigation and compensatory measures undertaken in accordance with that licence. A separate hydrology assessment may also be required as part of the great crested newt licence.
- 5.37 It is considered that the proposed development would be in accordance with LDF Policy DP31 and also to Policy CP4, which requires in all cases that development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.

Drainage

- 5.38 Details have been received that propose to drain the foul sewage into the main sewer on Carr Lane. Yorkshire Water has confirmed that if an existing drainage system is not capable of accepting additional foul sewage it is an operational requirement that needs to be addressed. In any event, in this case the additional number of units is considered to be small scale and the introduction of a pumping station to limit the rate to 3 litres per second results in a marginal increase in the overall system and would be acceptable.
- 5.39 The Parish Council is concerned about the different types of foul drainage relating to the domestic use of the lodges and the commercial use of the bistro and spa. Yorkshire Water has been asked to comment specifically on this matter and further information received will be reported at the meeting.
- 5.40 Surface water is proposed to be drained into the central pond created within the site. Yorkshire Water recommends a condition to establish a satisfactory outfall for this discharge. The Foss IDB also recommends conditions for this reason as the site is within an area where drainage problems exist and therefore discharge should be managed to reflect existing surface water flows.
- 5.41 The site lies within Flood Zone 1, which is the area with the lowest probability of flooding.

Highways

- 5.42 There is significant concern regarding the use of the local roads in the area to serve the proposed development. Green Lane onto which the site would access is a narrow single track road. Any widening of the road, which is not proposed, would give rise to other issues such as the impact of the alterations on the rural appearance of the locality. The road has good forward visibility and it is suggested that any widening of it would possibly increase vehicle speeds thereby making it less safe.
- 5.43 A traffic count was undertaken by local residents counting a total of 611 traffic movements within a 12 hour period, with the peak hour of between 1700 - 1800 hours producing 80 movements. The peak hour for the proposed development is anticipated as between 1300 -1400 on a weekend, producing 11 vehicle trips.
- 5.44 The Highway Authority has no objections to the proposed development and the proposed access onto Green Lane. The predicted peak hour traffic generation is less than 11 two way trips (one vehicle every 6 minutes), which is not a significant traffic generator.
- 5.45 It is proposed to divert and upgrade the public right of way connecting the site and Carr Lane, adjacent to the Nature Reserve. The North Yorkshire County Council's Footpaths Officer has no objections and would agree to the provision of reinforced membrane matting and new gates and fencing.

Community Engagement

- 5.46 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement (SCI) and paragraph 66 of the NPPF.
- 5.47 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's SCI, which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.48 The response to the consultation exercise is considered modest with an 11% turnout of those invited to a public exhibition and it would appear that the majority of those who commented are opposed to the proposals. The major concerns appear to relate to drainage, increased traffic and the impact on the existing SINC, all of which are addressed above.

Other issues

- 5.49 The loss of a view or ability to see the properties from an existing dwelling is not a planning matter. There is a suggestion that the buildings would be occupied as unrestricted housing rather than as holiday accommodation but the proposal as set out above seeks to provide holiday homes and not dwellings for permanent residential occupation. New homes in this location would be contrary to the LDF Policies and those of the NPPF and this matter could be addressed by the imposition of a planning condition.

6.0 RECOMMENDATION

- 6.1 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 buildings whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 2 March 2015 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. There shall be no external illumination within the application site without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
5. The mitigation and compensation measures shall be undertaken in accordance with recommendations of the Naturally Wild Ecological Assessment dated June 2015.
6. Prior to the commencement of the development a hydrological management strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
7. No development shall commence until a scheme for the delivery of an upgraded footpath link along the route of the existing public right of way has been submitted to and approved in writing by the Local Planning Authority. No more than 10 lodges shall be occupied until the approved scheme (subject to any temporary provisions) has been implemented in accordance with the approved details and thereafter retained.
8. The development must comply with the following requirements: (i) the lodges are occupied for the holiday purposes only; (ii) the lodges shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
9. No more than 10 holiday lodges shall be occupied until the associated clubhouse building as shown on drawing refs: SH45B and SK09C has been constructed, is fully functioning and available for use for the benefit of people staying on the site and residing in the locality.
10. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of: (i) Staff shuttle bus service ; (ii) Travel awareness; (iii) Baseline Data; (iv) Travel information; (v) Personal Journey Plans; (vi) Car Sharing Group; and (vii) Cycle User Group. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the

Travel Plan. The holiday lodges shall not be occupied at any time when the approved Travel Plan is not being implemented or operated in accordance with the approved details.

11. 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.
12. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage (foul water) pumping is required, the peak pumped foul water discharge must not exceed three litres per second.
14. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
15. 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.
16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The details of the access shall have been approved in writing by the Local Planning Authority;
 - c. The existing access shall be improved by construction in accordance with the approved details and Standard Detail number A1;
 - e. 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: a. The provision of a passing place on Green Lane; (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
19. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under the above condition: a. The provision of a passing place on Green Lane.
20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian access; b. vehicular parking; c. vehicular turning arrangements. 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 details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
21. 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.
22. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
23. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered R004 S01A, SK09C, SK10A, SK12A, SK15C, SK16C, 691_400_P, 691_100A, SK45B received by Hambleton District Council on 4 December 2014, 2 March 2015 and 8 June 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, assimilate it into the rural landscape and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP33.
4. In order to protect the character and appearance of the rural landscape in accordance with LDF Policies CP16 and DP30.
5. To minimise the risk and disturbance to the Site of Importance for Nature Conservation in accordance with LDF Policies CP16 and DP31.
6. To ensure all ponds retain good hydraulic continuity with the groundwater system and to minimise the risk and disturbance to the Site of Importance for Nature Conservation in accordance with LDF Policies CP16 and DP31.
7. In order to improve accessibility to the site and increase opportunities for sustainable movement to and from the site in accordance with CP1, CP2, DP3 and DP4.
8. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the Spatial Principles and Policy CP4 of the adopted Hambleton Local Development Framework.
9. The clubhouse building enhances the site's overall sustainability and helps to justify an exceptional case in terms of Policy CP4 of the Hambleton Local Development Framework.
10. In accordance with policies CP1, CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
13. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
14. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.

15. 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.
16. 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.
17. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
18. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
19. In the interests of the safety and convenience of highway users in accordance with LDF policies CP2 and DP4.
20. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
21. 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.
22. 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.
23. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: **Thimbleby**
Ward: Osmotherley & Swainby

Committee Date : 17 September 2015
Officer dealing : Mrs H M Laws
Target Date: 25 September 2015

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15/01361/FUL

**Construction of a detached holiday cottage as amended by plans received by Hambleton District Council on 27 August 2015.
at The Reading Room Thimbleby North Yorkshire DL6 3PY
for Mrs P Franks.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies within the village of Thimbleby on the western side of the village street and is within the existing curtilage of The Reading Room, now converted into a dwellinghouse with rear extensions.

1.2 The application site forms the southern part of The Reading Room's curtilage and incorporates the existing access from the village street. Approximately 10m of the existing driveway that lies within the application site boundary falls within the boundary of the Thimbleby Conservation Area; the remaining part of the application site lies outside the Conservation Area.

1.3 It is proposed to construct a two storey detached building to be occupied as a holiday unit. The building is rectangular in footprint with dimensions of 12.8m x 7.3m and a ridge height of 7.5m.

1.4 The accommodation includes a ground floor lounge, kitchen and utility room and a spa room with two bedrooms, each with an ensuite at first floor.

1.5 The building would be finished in Yorkshire stone and clay pantiles with white timber sliding sash windows and doors.

1.6 Access would remain as existing, with the proposed building and The Reading Room sharing the driveway and parking area.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None relevant

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
- 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
- Development Policies DP1 - Protecting amenity
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP28 - Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

4.1 Parish Council - the site has not been identified as being an approved infill site and that there is no proven record of a need for a further dwelling of any category in the village of Thimbleby.

Strongly opposed to the proposal to develop on this site within the Conservation area and surrounded by Listed Buildings. It is considered inappropriate when there is no record within the HDC LDF of the need for a dwelling and that the relatively recent Housing Needs Survey all respondents were able to avail themselves of the Affordable site at Westfields, Osmotherley. All village residents and the PC Member are opposed and feel that it should be rejected.

4.2 NYCC Highways - conditions recommended

4.3 North York Moors National Park Planning Authority - comments as follows:

The proposed holiday cottage would be substantial in scale and although the hedging and trees at the front of the site are proposed to be retained, the construction of such a substantial dwelling in this location would result in a significant intensification of development in this settlement, which would have a detrimental impact on its rural character and consequently, would have an adverse impact on the setting of the National Park.

4.4 HDC Environmental Health Officer - no objections

4.5 HDC Conservation Officer - comments as follows:

This application lies just outside of the Thimbleby Conservation Area boundary and to the south west of the Grade II listed Reading Room.

Whilst the application site is within the current grounds of the listed building, this is not considered to be part of the original curtilage.

The Reading Rooms date to 1908 and first appear on the 1911 Ordnance Survey map. The OS map shows a very tightly defined curtilage around the building with farm land to the rear.

The proposed new building has been sited adjacent to Orchard House, which was constructed in the mid 1980s. The position of the new building follows the north-east to south-west orientation of the majority of properties in the village and aligns with Orchard House. The building is set back from the roadside and from the line of The Reading Room, which allows its prominence to be minimised. Existing hedging to the roadside will provide screening of the building and help to assimilate it within the wider setting of the village.

Whilst it is appreciated that the spaces between the properties in Thimbleby are important to the sense of character, the infilling of this site which is set back from the road is considered to have a neutral effect on the character of the streetscene.

Well-designed buildings in suitable positions should be encouraged and the applicant has sought to incorporate traditional features into the design. The building would be constructed from Yorkshire sandstone with a pantile roof. I would like to see handmade clay pantiles here. A stone chimney is shown to the north gable and stone water tabling to both verges and stone kneelers. Windows are to be timber sliding sash.

I do not envisage any harm to the setting of The Reading Room as a result of this development. The Reading Room has been extensively altered to the rear with various extensions and this development would not in any way compromise its character. Whilst the building would be visible from the listed Webstone House opposite, it is sufficiently far away not to compromise its setting. The traditional design of the building enables it to sit comfortably within this site and therefore no harm is expected.

With regard to the wider setting of the North York Moors National Park, as sited above this is a well-designed building sited to minimise its impact within the streetscene. I can see no potential adverse impact for the wider character of the National Park.

4.6 Site notice/local residents - objections have been received from 5 local residents, which are summarised as follows:

1. Adverse effect on residential amenity due to a loss of privacy
2. Increase in noise and general disturbance
3. Garden grabbing, contrary to advice within village design statement
4. Thimbleby is already saturated with holiday letting accommodation
5. Out of character with other properties
6. Adversely affect highway safety
7. No dormer windows in village
8. Development amounts to cramming
9. There is no public transport in the village and all visitors come by car
10. The Reading Room is a listed building and the site lies within the Conservation Area
11. The Residents in Thimbleby do not want more traffic coming through the Village.
12. Thimbleby is a 'hamlet' not offering any amenities i.e. shop, school, pub etc.
13. Adversely affect the view from the house opposite
14. Detrimental impact on the character and appearance of the Conservation Area
15. Set a precedent for the infilling of further green spaces
16. No justification for new development
17. Trimming hedges will exacerbate the visual impact of a large car parking area within the centre of the village adjacent to a Conservation Area.

5.0 OBSERVATIONS

5.1 The issues to be considered include whether, having due regard to the tourism needs of the area, the site would be a sustainable location for the proposed development; the effect of the development on the character and appearance of the surrounding landscape and Conservation Area; the impact on the amenity of the adjacent residents and access to the site.

5.2 The importance of following sustainable development objectives in the provision of holiday accommodation is reiterated in the Good Practice Guide on Planning for Tourism. The Guide advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. Policies CP1 and CP2 of the LDF require that development should be located to minimise the need to travel, including by car.

5.3 The site is located within Thimbleby approximately 1.5km to the south of Osmotherley, which offers a range of services, attractions and public transport services. There is no access to public transport from the application site and it is anticipated that many journeys by the holiday makers will be made by car. The wider area offers further tourism opportunities including the attractions of the National Park, the boundary of which is literally across the road from the site. The local area offers opportunities for cycling along the road network and walking. The proposed development complies with Policies CP1 and CP2.

5.4 Policy CP4 states that development outside the defined Development Limits of identified settlements will only be supported in specific circumstances. These include where development is necessary to meet the needs of tourism and will help to support a sustainable rural economy. Due to the location of the site in close proximity to the National Park there is always likely to be a demand for tourist accommodation. It is anticipated that local businesses will be supported by the visitors in respect of local activities within and outside the National Park and pubs and shops in local towns and villages. It is considered that the proposed use will help to support the local rural economy and is in accordance with Policy CP4.

5.5 In conjunction with CP15 and in particular DP25 the proposal is a rural economic use which is relatively modest in scale and which provides accommodation of a specific rural type that cannot be provided within a larger settlement.

5.6 There is concern that the development would be 'crammed in' and reduce the open space identified within the Village Design Statement as being important within the village. There exists a large space to either side of The Reading Room, which contributes to the open nature of the village where dwellings are quite well spaced and, in many cases, set back from the road. The spacing between the dwellings along the village is not compromised by the proposed development, which is also set well back from the road frontage.

5.7 The proposed position of the building is outside the boundary of the Conservation Area but it is important the development is of a high standard of design. The proposed building has been designed to respect the character and appearance of the village and the adjacent listed building and respects the advice given within the Village Design Statement. Detailing, such as stone water tabling, has been included and, subject to the use of appropriate materials (Yorkshire stone and clay pantiles are proposed), the proposed building would be of a high standard of design.

5.8 The proposed building would lie adjacent to the neighbouring dwelling at Orchard House at a distance of 7m from the boundary. There would be no windows in the first floor side elevation of the proposed building and any overlooking would be restricted by the existing, well established, boundary hedging. The proposed building is set back more than 25m from the boundary with the village street and would not therefore adversely affect the amenity of the dwellings on the opposite side of the road. The loss of a view or ability to see the building from an existing dwelling is not a planning matter.

5.9 The Highway Authority has no objection to the use of the existing access for the proposed use subject to an appropriate condition ensuring that visibility is improved at the access and that parking is retained for its purpose.

5.10 The development would be liable for Community Infrastructure Levy (CIL) contributions for new market residential floor space following the Council's adoption of a CIL Charging Schedule on 7 April 2015.

5.11 It is considered that the proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

4. The cottage should not be brought into use until visibility splays are provided giving visibility of 43m measured in a north easterly direction along the edge of the carriageway of the village street from a point measured 2.0m down the centre line of the access road. The visibility splay shall be maintained clear of any obstruction and retained for its intended purpose at all times.

5. 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 drg no 1581/P/01 'B' for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

6. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 1581/P/LP 'O', 1581/P/01 'B' and 1581/P/02 'B' received by Hambleton District Council on 17 June and 27 August 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. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework.

4. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.

5. In accordance with LDF Policies CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

6. 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.

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Parish: Thirsk

Ward: Thirsk

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15/01444/MRC

Committee Date: 17th September 2015

Officer dealing: Mrs Helen Conti

Target Date: 2 September 2015

**Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07).
at 18 Byland Avenue, Thirsk
for Mr & Mrs Snelling.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members deferred consideration of this application at the August Committee to allow a visit to be made to the site. The site is located at the southern end of Byland Avenue in Thirsk. The street is a cul-de-sac that accommodates several detached bungalows. A reserved matters application was granted in June 2008 for construction of a 4 bedroom dormer bungalow with double garage. Construction work has since commenced and the dwelling has not been constructed in accordance with the approved plans. An application to retrospectively amend the approved plans to accept the built changes was refused by Planning Committee on 19 September 2014.
- 1.2 This application proposes to retain the built alterations to the dwelling and allow for changes to the dwelling to improve the appearance of the north elevation. The main built changes involve the increased height of the eaves from 2.8 metres to 3.9 metres, the positioning of the dormer windows which are now flush with the wall of the dwelling, alterations to the length, width and height of the garage, formation of accommodation in the roof of the garage, alterations to the position and creation of new windows and doors and the formation of a conservatory to the west elevation.
- 1.3 The additional proposed alterations to improve the aesthetic quality of the north elevation consist of lowering the eaves of the north elevation by extending them below the existing dormer windows allowing the rainwater gutter to run beneath the windows, a tiled canopy to wrap around the north and north east elevation, in front of the lobby and dining area, a timber pergola along the north elevation of the attached garage, two roof lights to the north elevation roof above the garage, the repositioning of the front door from the east elevation to the north elevation (including swapping a small window from the north elevation of the lobby to the east elevation) and the addition of French doors on the north elevation into the dining room.
- 1.4 An Enforcement Notice was issued on 1 April 2015 in respect of the built dwelling house and garage. The Enforcement Notice requires the house and garage to be altered to match the approved plans of 08/00654/REM. The applicant has appealed against the Enforcement Notice, listed for a public inquiry and is currently on hold until a decision is made on the current application.

2.0 RELEVANT PLANNING HISTORY AND ENFORCEMENT HISTORY

- 2.1 5/00361/OUT - Outline application for the construction of a detached dwelling – Granted 26 May 2005.
- 2.2 08/00654/REM - Reserved matters application for the construction of a dwelling - Granted 3 June 2008.

- 2.3 13/00290/CAT3 - Development not in accordance with approved plans. Enforcement Notice issued 1st April 2015 to take effect 7 May 2015. Applicant has appealed against the notice.
- 2.4 14/00561/MRC - Discharge of conditions 1-6 of Planning Permission 08/00654/REM and amendments to dwelling by variation of condition 7 - Refused 18 September 2014.
- 2.5 08/00654/DCN - Proposed discharge of condition(s) attached to application 08/00654/REM - Reserved matters application for the construction of a dwelling – Pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant local and national policies are:

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

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - No observations.
- 4.2 NYCC Highways - The Local Highway Authority has previously raised concerns about loose gravel being used adjacent to the public highway. This has now been addressed and the gravel is being retained. It is recommended that the following condition is attached to any permission granted:

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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 4.3 Neighbours notified and site notice posted - one response from nearby neighbour.
- Objection to the redesigned joint access. New plan constrains access and therefore cars park on Byland Avenue causing unnecessary congestion. Current ongoing legal challenge to restricted access to Green
 - Full height two storey house that is dominant, overbearing, unapproved and out of keeping with its surroundings
 - Resubmitted plans seek to address problems by making property even larger
 - overhanging roof and tiled canopy do nothing to reduce the overall impact of the property
 - House eaves need to be reduced to approved height to bring the property to an appropriate size and scale.

5.0 OBSERVATIONS

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

- 5.2 Paragraph 57 of the National Planning Policy Framework (NPPF) states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". Policy DP32 of the Hambleton Local Development Framework (LDF) requires that the design of all developments must be of the highest quality and in terms of scale, volume and massing, all development should contribute positively and respect the scale of spaces and buildings in the area.
- 5.3 The majority of the properties on Byland Avenue are single storey bungalows with the exception of Greenacres at the head of the cul de sac. This property is adjacent the application site and is a dormer bungalow. The properties running along the south west side of Byland Avenue back onto two/three storey properties located in adjoining street of Barbeck. It is accepted that 18 Byland Avenue is the largest property on the street, however two storey properties in adjoining streets are visible and as such the property is in keeping with the wider street scene.
- 5.4 The increase in eaves height has resulted in a large expanse of brickwork to the north elevation which is currently considered harmful to the character and appearance of the dwelling and to the street scene. It is considered the proposed alterations to lower the eaves of the north elevation, erect a canopy around the north and north east elevation, changes in fenestration details, erection of a timber pergola and installation of two roof lights in the north elevation of the garage would all help break up the large expanse of wall and improve the appearance and design of the property and as such the appearance of the property would be considered acceptable, in contrast to the existing appearance which resulted in service of the Enforcement Notice. The previous alterations to the building including the addition of the conservatory and alterations to the windows and doors are considered acceptable. It is considered the proposed changes will result in the property being in keeping with the requirements of Policy CP17 and DP32 of the LDF and the guidance within the NPPF.
- 5.5 The neighbour to the east has raised concerns that the two storey house that has been built that is dominant, overbearing, and out of keeping with its surroundings. They consider the proposed changes do nothing to reduce the overall impact of the property and are making the property even larger. The neighbour considers the only way to deal with the excessive impact of the house is to lower the eaves to their approved height, bringing the property to an appropriate size and scale. It is noted the proposed changes will make the property slightly larger, however it is considered the alterations will lessen the impact of the property and break up the north elevation which currently dominates the street scene.
- 5.6 The neighbour also has concerns regarding the redesigned joint access to No. 18 and Greenacres, in that it will constrain access to Greenacres and as such visitors to the property will park on Byland Avenue. There is a current ongoing legal case regarding the access to Greenacres and this is a civil matter that cannot be considered by the Local Planning Authority.
- 5.7 The Highway Authority previously raised concerns about loose gravel being used adjacent to the public highway. However the gravel is now retained with the site and this has rectified the issue. The Local Highway Authority have confirmed that the site plan 3612-07 is acceptable and a condition can be included as part of the approval to ensure the access, parking, manoeuvring and turning areas are constructed in accordance with plan 3612-07.
- 5.8 It is considered that the proposed alterations to the design of the dwelling would lessen the impact of the scale, massing and design of the property and reduce the impact of the property on the character and appearance of the street scene. The

application is therefore recommended to be granted. The recommendation of approval is subject to a requirement to implementation of the scheme, (to which the applicant is committing themselves with completion within 12 months of approval as detailed in a Section 106 Agreement) the Enforcement Notice would no longer be necessary and could be withdrawn upon completion of the works.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) a Planning Obligation to complete the approved works within 12 months of the date of the decision; and (b) the following conditions.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) 3612-01 rev A, 3612-05, 3612-06 and 3612-07 received by Hambleton District Council on 26th June 2015 unless otherwise agreed in writing by the Local Planning Authority.
3. 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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. 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 Policies CP1, CP17, DP1 and DP32.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. 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.

Parish: Thirsk

Ward: Thirsk

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15/01000/FUL

Committee Date : 17 September 2015

Officer dealing : S Leeming

Target Date: 15 July 2015

Demolition of office building and construction of 5 dwellings and associated infrastructure.

**at St James Lodge Masonic Lane Thirsk North Yorkshire
for St. James Management Company.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks permission to demolish an existing office building, St James Lodge, Masonic Lane, Thirsk, and to construct 5 dwellings on the site.

1.2 The dwellings are proposed as a pair of semi-detached 2 storey dwellings at the front of the site and a terrace of three 4 storey dwellings at the rear. Vehicular access is proposed to the side of the site leading around the rear of the frontage dwellings where 2 parking spaces are proposed to serve the 2 dwellings. Parking for the terraced dwellings is proposed to be a single space within the ground floor integral garages with access across the front of the terrace. Overall there are proposed to be 5 parking spaces in total for the 5 dwellings.

1.3 The pair of dwellings on the frontage are designed with a single central chimney and bay windows at ground floor. These dwellings which are 2 bedroomed have been provided with no external amenity space although a small communal area for wheelie bins has been proposed. The terraced dwellings to the rear each have a ground floor entrance, store, utility and WC and single parking space and 3 floors of living and 3 bedroom in a building 10.5m high. Each has an external terrace area at first floor to the rear.

1.4 The site is within the Conservation Area and is surrounded by Listed Buildings with a high number of the adjacent properties along Kirkgate being listed (7 to 15a Kirkgate are Listed Grade II). Adjacent to the site to the west is The Bungalow, a dwelling sited on raised ground. The site itself is flat and occupied at present by a modern brick built office building (understood to be vacant at present) with parking to the front. There is a high retaining wall forming the rear boundary of the site with the land beyond at a higher level.

2.0 RELEVANT HISTORY

2.1 None relevant

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 CP1 - Sustainable development

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

Development Policies DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Town Council - wish to see approved

4.2 NYCC Highways- conditions recommended

4.3 NYCC Archaeology- "The proposed development lies within an area of archaeological interest and potential, adjacent to the scheduled Monument of Thirsk Castle, (NHLE 1008761). This is an area of national archaeological importance designated under the 1979 Ancient Monuments and Archaeological Areas Act. There is the potential for the survival of archaeological remains dating from the Medieval period or earlier within the development area. I agree with the advice given by English Heritage (now Historic England) this application that a scheme of archaeological mitigation should be carried out." An archaeological watching brief condition is therefore recommended.

4.4 Historic England – Recommends that the application can be determined with a condition for an appropriate level of archaeological mitigation.

Historic England advise that the documentation does not refer to the neighbouring Scheduled Monument and did not set out any assessment of the impact of the proposal on the significant of the castle. There was no reference to archaeological mitigation in advance of or during the construction phase. In earlier advice Historic England has advised that there was a need for appropriate archaeological mitigation and this is restated.

Historic England consider that the proposal meets the aims and objectives of the NPPF notably the principles relating to high quality design, enhancing the character of different areas and understanding the value of town centres.

4.5 Environmental Health – No objections

4.6 Neighbours - 2 letters of objection received. Concerns include - overlooking and very close to the single storey dwellings of Picks Court, overdevelopment of a small site, adverse impact on the Estate Agents building which adjoins the site, the dwellings "will dominate the skyline" within the Conservation Area and their 4 storey height and proposed balconies are "idiotic" and "ridiculous" in this location due to loss of light and privacy and noise.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the historic importance of this site, being located within the Thirsk and Sowerby Conservation Area, close to Thirsk Castle Scheduled Monument and in the proximity of the Listed Buildings at 7 – 15a Kirkgate. The principle of allowing residential development on this site, the design of the buildings, assessing any impact upon highway safety, and neighbour amenity are also important considerations.

Heritage issues

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

5.4 The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.5 The existing building does not contribute positively to the character and appearance of the Thirsk and Sowerby Conservation Area. Whilst there would be no objection in principle to its demolition, as noted above care must be taken to ensure that any replacement development does contribute positively in accordance with the requirements of Policies CP16 and DP28 the Act and NPPF as set out above. The applicant has not undertaken an assessment of the potential archaeological importance of the site beyond the observation that any archaeological remains would have been disturbed and potentially destroyed during construction of the existing warehouse building (Planning Statement paragraph 8.14). This falls short of the standard of assessment required and in the event of a resolution to grant planning permission further investigation and mitigation proposals should be required.

5.6 Regarding the context of this site, as already stated, this site falls within the Conservation Area where the adjacent properties along Kirkgate are Listed and an adjacent small building (currently an Estate Agents) is not Listed but due to its setting in the views across the Conservation Area is considered to be a building of heritage interest. As such this proposal must pay full regard to this historic context and to the views in all directions including views of the roofscapes. There is a major concern that as proposed this development will obscure the rear roofscape of the Listed properties on Kirkgate, these are currently visible from Masonic Lane, the development may also compromise views towards 37 Market Place from Masonic Lane, which is a building of local interest. The view from the junction of Kirkgate and Masonic Lane must also be carefully considered within its historic setting. The loss of such important views will have a significant detrimental impact upon the character and appearance of the Conservation Area and upon the historic character of the Listed Buildings and their setting, for this reason the proposal is contrary to Policies CP16 and DP28.

Principle of residential development

5.7 The site is located within the Development Limits of Thirsk in a location that has access to a wide range of facilities within walking distance. Public transport is available within walking distance. The location scores highly in terms of locational sustainability as set out in the suite of LDF Policies particularly at CP1, CP2, DP3 and DP4.

Design

5.8 The design for the site is of a high density of development including relatively tall buildings and a reliance on hard landscaping and very little open space. The resulting layout is considered to be overdevelopment as it does not provide a sufficient level of open space for amenity of residents, no outdoor private amenity space, inadequate parking for vehicles.

5.9 The layout is considered to be cramped providing very little opportunity to use the outdoor space for anything other than parking and storage of waste and recycling bins. The requirements of the LDF seek to provide at Policy CP1 iii, development that protects and enhances the health, well-being and amenity of the population. Provision of appropriate outdoor amenity space as part of schemes of residential development, particularly units of medium sized housing is considered to be an important part of meeting the objective of CP1 iii. Policy DP1 reinforces the wording of CP1 stating that "Development must make provision for the basic amenity needs of occupants and /or users, including where appropriate level of open space for the use of occupants/users of the development". The scheme is considered to fail to meet the requirements of policies CP1 and DP1.

5.10 The layout of the parking and turning space leaves significant concern regarding the accessibility of parking space. In the event that any vehicle is parked outside of the 3 town houses this has the potential to obstruct access to other parking spaces. As there is only one space per dwelling it is envisaged that demand for parking spaces will be greater than the space available. It is shown on the layout that the occupants of plots 3 and 4 would be totally reliant on the occupants of plots 4 and 5 using their garages for parking only and

leaving their frontages/driveways clear so that access can be achieved to their parking spaces. The Council does not have adopted parking standards, the level of provision is to be determined on the basis of highway safety as set out in policy DP3 that seeks:

“minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport”

5.11 It is noted that NYCC Highways have no objections to this layout. However, the consideration of the Highway Authority is primarily about the operation of the highway network. The impracticality of the layout of the site may not impact directly upon the free-flow of traffic on the highway. The additional pressure for on-street parking due to an inadequate level of parking on site and the issues for neighbour amenity about the usability of the parking layout is an issue for the Planning Authority as set out in DP3. The roads close to the site are the subject of parking restrictions and are already heavily used for on-street parking by existing residents. As noted above the site is well served by public transport and this may reduce the reliance on the car but may not reduce the demand for parking space.

5.12 It is considered that the scale, height and design of the proposed dwellings should have reference to and respect the character and appearance of the Thirsk and Sowerby Conservation Area and the historic context set by the nearby Listed Buildings. There is no precedent within the vicinity or context of this site for dwellings with garaging below or for Juliette balconies on the frontage. Whilst the front of the town house units would only be glimpsed from Masonic Lane the scheme results in a "dead" frontage at ground floor level and will not contribute positively to the street scene. The ground floor is a place where particular care should be taken to provide respectful design and sensitive use of materials. The bay windows on the semi-detached houses are also not a feature of this area. In order to respect the historic roofscape the dwellings should each have a chimney, traditionally placed and the dormer windows (whilst now replaced with roof lights) should be smaller and set down lower in the roof. As proposed the scheme is considered to fail to achieve a high quality of design and does not protect or enhance the character of the Conservation Area and is therefore contrary to LDF Policies CP16, DP28, CP17 and DP32.

Neighbour amenity

5.13 The scheme would have impacts upon the amenity of neighbouring property by the removal of the existing structure as well as the construction of new property. The impacts are largely due to the massing of the proposed buildings and changed patterns of shading to neighbouring property on Kirkgate and some change in the outlook on neighbouring property, however none of these changes are considered to be harmful or present a breach of the terms of Policies CP1 and DP1 in terms of the protection of neighbour amenity.

Conclusion

5.14 Refusal is recommended for this proposal, although an alternative proposal, more appropriate to the historic context in scale, form and design might prove acceptable. The Agent was advised of the above concerns in June and again following a site meeting in July. It was suggested to the Agent that they consider developing this site as a traditional Thirsk mews development. Locally developments at Picks Court, Croft View and Castle Yard opposite are considered good examples of what might be appropriate here. Amendments have been received proposing roof lights as opposed to dormer windows to the front of the terraced dwellings. This falls substantially short of the amendments required to make the scheme acceptable under the policies noted above.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED**

1. The proposed development is contrary to LDF Policies CP16 and DP28 due to position, height and size of the proposed building that would result in the loss of important views of buildings within the Thirsk and Sowerby Conservation Area such that the development will have a significant detrimental impact upon the character and appearance of the Thirsk and Sowerby Conservation Area, neighbouring Listed Buildings and their setting.

2. The proposed development is contrary to LDF Development Policies CP16, DP28, CP17 and DP32 as the height, scale, layout and design of the proposed buildings fail to respect the character and appearance of the Conservation Area and historic context of the site. The development will result in an unacceptable harmful impact upon the character and appearance of the Thirsk and Sowerby Conservation Area.

3. The layout of the site is contrary to LDF Policies CP1 and DP1 and DP3 as the proposal fails to make provision for the basic amenity needs of occupants, including a lack of an appropriate level of open space for the use of occupants and fails to provide a practical layout and sufficient amount of on-site car parking provision.

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Parish: Thirsk

Ward: Thirsk

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15/01334/FUL

Committee Date : 17 September 2015

Officer dealing : S Leeming

Target Date: 20 August 2015

**Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30th July 2015.
at 131 Long Street Thirsk North Yorkshire YO7 1BB
for Mr Mark McColmont.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application, as amended seeks consent to construct 3 detached dormer bungalows on a site to the rear of 131 Long Street Thirsk. The site is described as "garden to rear 131 Long Street" on the application form and part of it has recently been fenced in to create more formal rear gardens for 127,129 and 131.

1.2 The proposal is for the construction of the 3 dwellings on the northern part of the site. Vehicular access will be taken through the archway which exists between 129 and 131 Long Street. Existing hedgerows are to be retained to the northern boundary and new ones proposed to the southern boundaries. Each dwelling is proposed with on site parking and rear garden areas.

2.0 RELEVANT HISTORY

2.1 14/02395/FUL - Increase to width of the access way approved 2015

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 CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Town Council - concerns and comments

1. Access to the properties is under an archway which is unlikely to be adequate for emergency vehicles.
2. Concerns regarding the flood plain, back land development, privacy for neighbours. (K Baker Design & Development Ltd quote HDC. DP1 where reference is made to protecting amenity particularly in respect of privacy)
3. Some neighbours have still not had any information or consultation which was promised and which the applicant/agent says have taken place.
4. There is no scale on the plans so the height of the buildings cannot accurately be assessed.
5. It is difficult to assess which are the front or rear elevations (i.e. which way they face)

4.2 NYCC Highways - notes that The proposed development will be served through an archway which has been widened to provide 2.7 metres. Developments served through archways are not uncommon and there are examples within Thirsk town centre itself. This archway leads directly to the public footway and it will be necessary to provide measures to protect pedestrian priority on the footway. Consequently the Local Highway Authority recommends that the following conditions are attached to any permission granted:

1) 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 full technical details of proposals for pedestrian protection at the junction of the site access with the footway have been submitted to and have been approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The measures shall provide and protect pedestrian priority across the footway at its junction with the site access. The approved measures shall be implemented before the development is first brought into use unless otherwise approved in writing by the Local Planning Authority and retained for their intended purpose at all times.

Other conditions relating to parking and turning, precautions to prevent mud on the highway and on site parking and storage of construction traffic are also recommended.

4.3 EHO - no objections

4.4 Yorkshire Water - conditions recommended relating to the discharge of surface water

4.5 Neighbours/local residents - there have been 4 letters received in support of the application. These are all copies of the same letter and state they have no objections with some additional comments made including that it will "improve the area". There have been 7 objections to the scheme with concerns including a) Overlooking and loss of privacy b) Increase in volume of traffic using the blind alleyway directly onto a footpath - some details have been submitted to illustrate the lack of visibility to car users on exiting this alley with the cars exiting the alley directly on to the footpath and then having to cross a cycle path and enter the main highway at the point of the pedestrian crossing. c) Query about how emergency vehicles will access the site as they will not fit through the archway d) Concern about lack of consultation by the applicant (He has stated he has consulted local residents but has failed to do so) e) Concern about the removal of trees and outbuildings/agricultural buildings and the erection of fencing within the site recently f) Noise generated during and also after construction due to proximity of access and turning space to neighbouring dwellings g) Possibility of increased flooding to the area h) lack of space for offloading and storage of construction materials (as lorries will not fit through the archway)

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing development on this site in particular noting the fact that the 2 western most dwellings proposed fall outside the Development Limits for the town and are also situated within the Conservation Area where its impact upon the character and appearance of the area need to be assessed. This is in addition to any impact the proposal may have upon the amenities of the neighbours, impact upon highway safety and the visual impact and design of the proposal.

5.2 In regard to the principle of the development of this site, it is noted that the site is closely related to the main built up area and development limits of the town. The plans have been amended and the dwellings are now roughly in line with those on Bradbury Close immediately to the south. As such whilst the Interim Housing Policy does not include residential development on the edge of development limits within Market Towns it is considered that the construction of dwellings on the site proposed will in principle be acceptable due to its location.

5.3 The majority of the site is located within the Conservation Area and it is clear from evidence submitted by neighbours and from local knowledge of the site that a number of recent changes have been made to the site including the removal of some trees and outbuildings/agricultural buildings and the erection of boundary fencing to create more formalised gardens to serve the dwellings to the front. The proposed development will however introduce additional hedge and tree planting and the general layout of the site will satisfactorily respect that of the surrounding area and particularly Bradbury Close to the south.

5.4 Due to the location of the site there is the concern that this is an example of "back land Development" bringing with it a number of likely concerns and problems associated with such proposals, for example noise and disturbance and overlooking impacts particularly upon the dwellings to the front of the site. It is noted that the occupants of these dwellings have no objections to the proposal and also noted that the applicant owns one of these properties (131). The dwellings themselves as proposed with their main windows to the front and rear elevations will not result in any major overlooking of the dwellings along the frontage but it is expected that they will result in an increase in noise and disturbance due to the general activities associated with the 3 new dwellings and their gardens. It is the vehicular access which will result in a harmful impact upon the amenities of the neighbours particularly those to either side of the access at 127, 129 and 131 Long Street. The vehicular access which will serve the 3 new dwellings (in addition to possibly the 3 existing dwellings that do have vehicular rights to use it but presently park on the highway at the front) will lead to an increase of a minimum likely 18 car movements per day. The access will run directly adjacent to the dwellings at 129 and 131 and underneath the upper storey of 131. The agent has clarified that there has been the addition of soundproofing to the archway itself but the rear of these properties themselves as well as their rear external courtyard areas are likely to suffer from a harmful impact of noise and disturbance from use of the access road. In addition, although to a lesser extent, the use of the access track and turning circle may also result in noise and disturbance to the residents of neighbouring Bradbury Close.

5.5 There is also the concern that the use of the access may result in highway safety concerns as there is a lack of visibility on exiting the archway resulting in possible safety issues for pedestrians walking on the pavement outside. As a pedestrian there is no indication and no view of the archway meaning that pedestrians have no warning of a vehicle exit ahead. The Highway Authority had suggested a condition to help overcome this and introduce safety measures. The Agent has suggested through discussions with The Highway Authority the introduction of a speed bump within the archway. This however will result in more noise to the neighbours and may slow down the cars but will not offer any further protection or warning to the pedestrians. A further suggestion has been to introduce bollards on the pavement possibly either side of the archway. These will however need to be placed on the pavement itself which at this location is narrow and also runs alongside the bay windows of the terraced properties. As such there may be difficulties in providing these and achieving the pedestrian safety measures required.

5.6 The general design of the dwellings is simple but considered acceptable and the fact that they are dormer bungalows has resulted in a lower ridge height and a satisfactorily reduced level of overlooking to the neighbours to the north and south. However, for the reasons and concerns outlined above this application is recommended for refusal.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons for the above conditions are:-

1. The proposed development will be contrary to LDF Policy DP1 due to the harmful impact the use of the vehicular access will have upon the amenities of the neighbouring dwellings

2. The proposed vehicular access will result in highway safety concerns due to the lack of pedestrian safety measures.

Parish: Thirsk

Ward: Thirsk

17

15/01693/MRC

Committee Date : 17 September 2015

Officer dealing : Mrs H M Laws

Target Date: 17 September 2015

Proposed variation of condition 02 (to increase the number of holiday lodges from 11 to 34) of previously approved scheme (11/01989/FUL) for a change of use of an agricultural nursery to a caravan park (holiday lodges) with associated hardstanding, parking and landscaping.

**at Hollin Barn Nurseries Sutton Road Thirsk North Yorkshire
for Evergreen Park Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is the curtilage of a former (horticultural) nursery complex at Hollin Barn, which lies on the northern side of the A170 midway between Thirsk and Sutton-under-Whitestonecliffe. The site is rectangular in shape, has a frontage to the main road of 170m and is 105m in depth (approximately 1.7 hectares in size). There is an existing access which serves the (former) Nursery use. The White Horse Lodge Hotel lies immediately adjacent to the site to the east.

1.2 The application site has been vacant for approximately 5 years.

1.3 Planning permission was granted in December 2011 to change the use of the site to a caravan park. A condition was imposed restricting the number of caravans to 11. The current application is to vary this condition and allow up to 34 caravans on the site. The submitted application includes details that the approved scheme for just 11 units would not be a viable business plan, mainly due to the costs of providing the infrastructure and support costs of groundsmen and maintenance staff.

1.4 Much of the site has a generally level surface and lies at a slightly lower ground level than the adjacent A170. Existing mature hedgerows lie along all four of the boundaries of the site. Maturing trees lie along the front (south) of the site behind the hedge. The eastern boundary with the Hotel is partly fenced; a group of maturing trees lies along this boundary in the northern corner. There are also some trees within the site although some are only recently planted. A detailed landscaping scheme has been submitted to illustrate the proposed planting along the site boundaries and within the site itself.

1.5 The proposed lodges are timber clad or Canexel (compressed woodchip and resin) in muted colours with dark colour tile effect roofs in a range of models.

1.6 It is proposed to use the existing access, which previously served the Nursery, and utilise an existing hardstanding area as a site car park with a service road circling the site to serve the units. Parking would be available at each of the units. Visitors' car parking and a children's play area is proposed adjacent to the access.

1.7 A Transport Statement has been submitted with the application, which concludes that the existing visibility spays at the access are adequate following a speed survey undertaken on the A170 and that the increase in traffic generated by the siting of 34 lodges compared to the previous use as a nursery, would be negligible. Improvement works are proposed, including extending the central double white overtaking line on the A170 on the eastern approach and the display of additional warning signs.

1.8 No on-site facilities such as a shop, restaurant or bar are proposed and 5 jobs are proposed to be created.

1.9 Proposed drainage, within the original application, was to a septic tank for foul and to existing disposal systems for surface water. It is now proposed to use a private sewerage treatment plant.

1.10 An electricity substation is proposed within the site with an underground supply providing electricity for the units. Existing overhead lines could therefore be removed.

1.11 It is intended to make the units available for outright sale or timeshare purchase and/or rental but the ownership of the units is not something that can be controlled by the Planning Authority. The occupancy of the units would be holidaymakers and this could be controlled by a planning condition. Development of the site would be over a period of 5-7 years.

1.12 Letters of support have been submitted with the application from Welcome to Yorkshire, the adjacent Hotel and the Nisa and Blytheway stores in Long Street and Sutton Road in Thirsk.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 11/01989/FUL - Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping. Permission granted 12/12/2011 subject to the following condition:

No more than 11 lodge style caravans shall be on the land at any time.

In order that the Local Planning Authority can control the development in the interests visual impact of the development on the landscape and the safety of the access to the highway in accordance with the Local Development Framework Policies CP1, CP2, CP4, CP16, DP3, DP4 and DP30.

2.2 14/00920/MRC - Variation of Condition 2 of Planning Consent- 11/01989/FUL- To allow an increase in the permitted number of caravans from 11 to 34. Permission refused 2/7/2014 for the following reasons:

1. The proposed development is contrary to LDF Policies CP16 and DP30 where it is important to respect the openness, intrinsic character and quality of the landscape. The proposed development would have an unacceptable visual impact on the surrounding rural landscape, particularly due to the increased number of units close to the boundaries and reduced opportunities for landscaping within the site, contrary to these policies.

2. The proposed development is contrary to LDF Policies CP2 and DP4, which require all developments to have a safe access. The proposed increase in the number of caravans would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.

2.3 14/02547/MRC - Proposed variation of condition 02 - to increase the number of holiday lodges from 11no to 34no - to previously approved scheme (11/01989/FUL) Change of use of an agricultural nursery to a caravan park (holiday lodges) with associated hardstanding, parking and landscaping. Application withdrawn 8/4/2015.

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
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
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
Good Practice Guide on Planning for Tourism - May 2006
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Thirsk Town Council - all our original comments still stand. This is still not a suitable location for this type of development which will generate a great deal of traffic. Particularly we are concerned that there is nothing to say just what the lodges will look like, nor how many occupants will be in each lodge and so no indication of the number of people accessing the site.

Previous comments include the following:

The development is too big for the site and should be refused.

- a) Traffic - The committee is not convinced that the site is suitable for the number of caravans/lodges (34). It is bound to cause traffic problems, the A174 is a very busy road and the site is on one of the stretches between Thirsk and Sutton Bank where traffic tends to increase speed as it is relatively straight. There have been accidents (especially at Bagby Moor Lane end) and the committee cannot understand how the Highway department, who were originally against the proposal, are now saying it is acceptable.
- b) Whilst there is no indication as to how many people could be at the site at any one time, including how many people each lodge can accommodate, it seems that the parking provision is inadequate.
- c) The Planning Committee has asked for details of the dwellings. Are they caravans as in the first page of the application or are they permanent structures?
- d) Refuse Disposal - There is an area marked on the site plan as 'Refuse Site' adjacent to the visitors' car park. It is also questioned how the refuse will be emptied/removed and will there be adequate space in this respect, particularly given that people on holiday tend to generate a lot of refuse quite often including food waste.
- e) Visual Impact - The site slopes to the north and will be very easily seen from that side.

4.2 Sutton under Whitestonecliffe Parish Council – wish to see the application refused. The proposal is an over-development of a relatively small site with the only access and egress being on a very fast stretch of road with limited visibility from the east. This could potentially cause a dangerous bottleneck situation. It is felt that there is insufficient on-site parking for the potential number of users. It is felt that drainage issues have not been fully resolved and there is concern for the surrounding agricultural environment and the drainage ditches.

If there is no option but to approve, it is felt that a condition of approval should include double white lines and a 30mph speed limit on the A170 in the vicinity.

To aid deliberations it was noted that the proposal has approximately a third of the number of dwelling units as has Sutton under Whitestonecliffe, all crammed into a small field with one entrance and a potential population when full, far greater than that of Sutton under Whitestonecliffe and the ensuing quantity of effluent and traffic issues that will be encountered.

4.3 Bagby and Balk Parish Council - no comments received (previously objected to the proposed increase in lodges, stating the increase should not be allowed. 11 lodges are more than sufficient for the site)

4.4 Hillside Parish Council - no comments received

4.5 NYCC Highways - conditions recommended requiring the provision of a visibility splay of 215m in both directions.

4.6 Yorkshire Water - no comments

4.7 Environment Agency - no objection. As our records show that the water environment is of a low sensitivity, we have no specific comments about this development.

4.8 HDC Environmental Health Officer - no objections to the above planning application. However, the use of land as a caravan site requires a site licence from the local authority for the land, under the provisions of the Caravan Sites Control of Development Act 1960. Should the planning application be successful a Caravan Site Licence will be required.

4.9 Site notice/local residents - a letter of support has been received from the adjacent resident who comments as follows:

I support the proposal at Hollin Barn to go ahead think the development will be an asset to the area and also generate employment and will add to the local economy. Also I believe this will support the adjoining hotel and holiday cottages, and will be able to work together.

4.10 A letter of objection has been received, as follows:

1. there are ongoing problems with both surface water from the car park and dirty water running into our ditch from the adjacent hotel. An additional 34 chalets would potentially more than treble this problem.

2. The A170 is very busy with fast traffic; this is a particularly fast stretch of road. There has been a fatal accident less than 500m from the site.

3. As there are no recreational activities within walking distance (the A170 is definitely not suitable for walking), traffic to and from the site would add to the danger around the site entrance.

4. The open countryside is very attractive in this area and would be spoilt with a large intensive holiday park.

4.11 Observations have been received from an established leisure business in the locality, which are summarised as follows:

1. Agree generally with the controlled development and appropriate expansion of tourism facilities in the area. However, there are 2 static caravan/lodge parks within one mile of the proposal site. One of the lodge parks has three owner occupied units on it and no others. Specific constraints prevented the development of camping facilities here. The second park, opened in 2008, is still far from capacity, with 16 bases free.

2. The owner occupier lodge market in this area is currently at saturation point, consequently the projected increased tourism spend will not be achieved

3. The provision of camping pods and other types of rental units would be a more appropriate development in our opinion creating a wider choice of tourist accommodation to complement the available mix in the locale

4. Notwithstanding the above, it seems that the same important issues which were present when the previous similar application was made, and refused, have not been resolved.

5. Despite the withdrawal of a previous objection from the Highways, it seems difficult to comprehend why. Part of the traffic survey considers the amount of traffic generated to and from a retail nursery in a large urban city, to justify this withdrawal, on the basis that a 34 lodge development would not generate as much traffic as the nursery.

4.12 Letters of support have been received from 19 businesses in the Thirsk area, the comments of which are summarised as follows:

1. Development will bring growth to the area
2. Any new business brings more money into Thirsk
3. Development will bring tourists into the town
4. Thirsk is a tourist town and development would help us to develop our businesses
5. Thirsk needs all new businesses to be able to prosper
6. It would create employment for local people
7. It would support surrounding local attractions

5.0 OBSERVATIONS

5.1 The issues to be considered relate to the proposed increase in the number of units from 11 to 34, particularly in respect of the sustainability of the operation on the scale proposed; the effect on the local economy; the visual impact of such a change on the surrounding rural landscape; the impact on residential amenity and the impact of the increased number of units on highway safety.

5.2 The application has been resubmitted following the decision to refuse planning permission in July 2014 in an attempt to address the reasons for refusal relating to the visual impact of the increased number of units and the highway safety implications.

5.2 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 location of the site in relation to the Service Centre of Thirsk and other tourist attractions (Policies CP1 and CP2) the impact of the increased number on local visual amenity and landscape character (Policies CP16 and DP30) together with the potential economic benefits to the local economy, particularly the adjoining hotel complex (Policies CP15 and DP25). The principle of the development has been established with the grant of the permission in 2011.

5.3 The Government's 'Good Practice Guide on Planning for Tourism' advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. The Moorsbus service that previously travelled this route no longer operates.

5.4 Paragraph 28 of the NPPF requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors.

It has been noted above that the site is located directly off the A170 midway between Thirsk and Sutton-under-Whitestonecliffe and is well located for access via the main road network to a significant number of tourist facilities and attractions including, in addition to Thirsk itself, York and the North York Moors National Park.

5.5 The 34 units would help to support the local rural economy in the area and in principle is supported. It is not the role of the Local Planning Authority to address the business viability of the scheme as proposed or competition locally as commented upon by the nearby business operator.

5.6 The detail of the caravan lodge structures was the subject of a condition attached to the previous planning permission requiring details to be submitted for approval. The details now submitted propose a timber clad lodge to be finished in 'muted colours' with a dark roof therefore making the units less prominent in the landscape. The proposed units, in respect of design, are considered to be in accordance with LDF Policy CP17.

5.7 The approved layout for 11 units within the same site area is obviously much lower in density with greater spacing between units and a greater amenity area for each of the occupants. The proposed layout is much denser with units positioned closer together. The application justification is for the provision of 'luxury accommodation' on a scale that would make it a viable business although the specific type of business or its viability are not directly relevant to the planning issues.

5.8 The landscape within which the application site is set is relatively open with wide ranging views. The site is not low lying, nor is it set within an undulating landscape; the existing field pattern is of large fields with hedgerow boundaries and occasional trees. The site is immediately adjacent to the road and the site would be clearly visible when viewed through the access by passers-by but this would affect only a short distance on the A170. The site would be visible above the existing rear boundary hedge from long range views from the hills beyond the site to the north east but at so great a distance that the impact would be limited. The existing landscaping at the site is well established and is proposed to be supplemented by additional tree and hedgerow planting around the periphery and within the site. The lodges previously positioned close to the boundary have been moved further from the periphery so that they would be less prominent. An additional native hedgerow is proposed to be planted on a proposed 1m high bund immediately adjacent to the existing boundary hedge. The existing and proposed tree planting would, within a relatively short space of time, have the ability to provide a mature and effective screen to protect the character and appearance of the surrounding countryside and is considered to overcome the previous reason for refusal.

5.9 The neighbouring properties include the Hotel and two holiday cottages; it is not considered that the amenity of these properties would be seriously affected by the proposed use as they also accommodate holidaymakers. Illumination may however be an issue that affects the surrounding landscape, and this is a matter that could be controlled by planning condition. It is not considered that there would be any significant noise nuisance arising from the use of the site that would adversely affect local residents.

5.10 The site is accessed from the A170 and it is proposed to use the existing access that served the previous nursery. Permission was granted to use this access to serve the 11 units as approved in 2011. Vehicles along this stretch of road are generally fast moving and the Highway Authority has undertaken a speed survey on which to base their recommendation. Additional measurements have now been undertaken, which establish that the required visibility of 215m in both directions can be achieved. There are no objections to the proposed intensification of the use from 11 to 34 units and appropriate conditions are recommended.

5.11 The proposal to drain the foul water to a package treatment plant is in accordance with the recommendations of the Environment Agency.

5.12 The proposed increase in the number of units to 34 would help to support a sustainable rural economy, would not detract from the visual appearance of the existing rural landscape and would not be detrimental to highway safety; approval 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. No more than 34 lodge style caravans shall be on the land at any time.

3. No lodge style caravan shall be brought onto the site until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the lodge style caravans, together with those for the site access road, storage and service yard and visitor parking area and any other external surfaces, 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, and be retained in accordance with, the approved materials in accordance with the approved method.

5. The development must comply with the following requirements: (i) The lodge style caravans are occupied for holiday purposes only; (ii) The lodge style caravans shall not be occupied as a person's sole or main place of residence; (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodge style caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

6. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Such works shall be completed in accordance with the approved details prior to the occupation of any chalet style caravan and shall thereafter be maintained in accordance with the approved scheme.

7. There shall be no access or egress by any vehicles between the highway and the application site unless splays are provided giving clear visibility of 215m measured along the southern channel line in an easterly direction and 215m measured along the northern channel line in a westerly direction of the A170 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. 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 the drawing marked Project No 291 Sheet 4 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local

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

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

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing marked Project No 291 Sheet 4 received by Hambleton District Council on 23 July 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. In order that the Local Planning Authority can control the development in the interests visual impact of the development on the landscape and the safety of the access to the highway in accordance with the Local Development Framework Policies CP1, CP2, CP4, CP16, DP3, DP4 and DP30.

3. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.

4. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.

5. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy as holiday accommodation without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Local Development Framework.

6. In the interest of environmentally satisfactory drainage in accordance with Policy DP42.

7. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.

8. In accordance with LDF Policies CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

9. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

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

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14/02152/FUL

**Placement of temporary mobile home for 3 years
at OS Field 4578, Sykes Lane, Tollerton, North Yorkshire,
for Mr Robert Elstone**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is located to the north-east of Tollerton and comprises 12 acres of agricultural land which is accessed from Sykes Lane to the north.

1.2 The scheme is seeking temporary consent for the siting of a log cabin in place of an existing static caravan which is positioned to the western side of the site which is to the south of the existing barn which would be used in association with the worm farm. The existing static caravan is not used for residential occupation.

1.3 The worm farm enterprise was established after 2002 but is not active and ceased in 2010 following the failure of the functioning of the outdoor worm farm pits due to cold winter weather conditions. The applicant is now proposing to operate the worm farm in the barn on site to overcome the problems of cold weather killing worms.

1.4 The applicant resides in Skelton, some 9 miles away from the site and lived remotely during the operation of the worm farm after 2002 to 2010.

1.5 The applicant considers that an on-site presence is necessary due to monitoring power cuts, equipment failure, feeding, water and security associated with the running of the worm farm.

1.6 The applicant has provided a break-down of the tasks associated with operating a worm farm on a typical day and the type of emergency response required through the night.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/02/162/0250 - Change of use of existing agricultural land to Class B2 use as a worm farm to include the formation of worm pits and siting of a static caravan to provide office accommodation as amended by letter and plan received on 12 June 2002; Granted 2002.

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 CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space

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 DP8 - Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP25 - Rural employment
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 Tollerton Parish Council - No objections.

4.2 NYCC Highways - No objections.

4.3 Yorkshire Water - Comment on the provision of a water supply and waste water disposal.

4.4 Environmental Health - No objections. Notes that caravans are used for human habitation require a Site Licence under the Caravan Sites and Control of Development Act 1960.

4.5 Internal Drainage Board - No observations.

4.6 Neighbours notified and site notice posted; expired 26.11.2014 - No responses received as at 22.05.15.

5.0 OBSERVATIONS

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

Principle of Development

5.2 Paragraph 55 of the National Planning Policy Framework (NPPF) must be satisfied if the principle of the development is to be considered acceptable. Isolated new homes in the countryside must be avoided unless there are special circumstances such as (as relevant) the essential need for a rural worker to live permanently at or near their place of work in the countryside. The applicant considers the essential need for being on site to be:

- positive sustainability benefits from reduced travelling from the applicant's home to the site
- increased welfare for the worms through regular surveillance, through reduced mortality, business viability and potential for business expansion.
- growth of the business due to easier on-site management which would facilitate further financial investment
- improved security of the site

5.3 The applicant had consent granted for the use of the land as an external worm farm in

2002 as part of 2/02/162/0250. 2010 saw the applicant lose his stock due to adverse weather conditions. Since this time the applicant has still supplied composted horse manure (previously used to supply the external worm farm) to the local area at a low scale but has predominantly focused their commercial interests elsewhere. The applicant now wishes to re-establish the worm farm internally within the existing structure on-site.

5.4 The applicant has defined a standard day were they to operate the worm farm remotely. The applicant has provided an overview of a business plan to outline the growth of the enterprise on site. The applicant has also described the life-cycle of the worm.

5.5 The improved security of the site is not an essential need for an isolated new home. The improved sustainability credentials of living on site and the growth of the business due to easier on-site management also do not justify an isolated dwelling, particularly as the worm farm is not currently operating. The applicant's financial appraisal of an envisaged enterprise suggests that it could be a profitable concern.

5.6 The applicant's envisaged standard day operating the site remotely suggests 7 visits to the site to monitor the worms, with further visits required overnight to respond to emergencies. The applicant advises that remote monitoring equipment is costly and unreliable and is not a substitute for on-site surveillance. The applicant considers that property in Tollerton is too far detached from the site and would not be sufficiently close to respond to emergencies to safeguard stock. The applicant suggests that if exposed to the wrong conditions worms can only survive for 15-30 minutes.

5.7 No evidence has been provided of other examples of worm farms or published literature which indicates that the intensity of 7 visits per day is necessary or that the vulnerability of the worm to unpredictable changes in temperature or moisture exists. There is no evidence to show that there has been any reasonable robust effort to investigate the installation of equipment to remotely sense and address changes in temperature or moisture. Additionally the applicant's business is not active and therefore no direct evidence can be provided from the experiences on site. There is not sufficient evidence to suggest that the management and welfare of the worm are factors that constitute an essential need. Consequently the principle of a temporary dwelling in this location is not acceptable.

Visual Amenity

5.8 The proposed temporary log cabin would replace a static caravan against the western boundary of the site. The overall design of the structure, its positioning away from and screened to nearby public viewpoints, and its colouration are such that there would not be a significant harmful impact on local visual amenity or the openness of the landscape sufficient to justify refusal of an otherwise acceptable development and this application. The structure would be one which would not be acceptable for permanent retention however this matter could be resolved by the attachment of an appropriate condition to limit the duration of any permission granted.

Neighbour Amenity

5.9 The site is isolated and the proposed temporary dwelling and associated activity would not harm neighbour amenity.

Highway Safety

5.10 The proposed development would not have a harmful impact on highway safety.

Community Infrastructure Levy (CIL)

5.11 The proposal is for a temporary dwelling and is not liable for CIL.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason:

1. The proposal is contrary to Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9 and the National Planning Policy Framework Paragraph 55 as no essential need for a rural worker to live at their place of work in the countryside remote from a range of services has been demonstrated.