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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 7 October 2015

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 15 October 2015**
Time **10.00 am**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To:

Councillors	Councillors
D A Webster (Chairman)	J Noone
P Bardon (Vice-Chairman)	C Rooke
D M Blades	Mrs I Sanderson
S P Dickins	A Wake
G W Ellis	Mrs J Watson
K G Hardisty	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

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To confirm the minutes of the meeting held on 17 September 2015 (P.11 - P.12), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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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 10.00 am on Thursday, 17th September, 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		A Wake
	G W Ellis		Mrs J Watson
	K G Hardisty		S Watson
	J Noone		

Also in Attendance

Councillor	R A Baker	Councillor	B Phillips
	Mrs C S Cookman		M S Robson
	C Patmore		

P.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 20 August 2015 (P.9 - P.10), previously circulated, be signed as a correct record.

P.12 **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) 15/01335/FUL - Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at White House Farm Great Smeaton for Mr Mike Rogers

DEFER for further consideration of highways issues, the need for two sites, residential amenity issues and community benefits of the scheme.

The decision was contrary to the recommendation of the Executive Director.

(The applicant, Andrew Leggett, spoke in support of the application.)

(The applicant's agent, Jolyon Orchard, spoke in support of the application).

(Mr Mann spoke objecting to the application.)

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a personal interest and left the meeting during discussion and voting on this item.

- (2) 15/01268/FUL - Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at Boscar Grange Farm, Easingwold for Mr Mike Rogers - Big60Million Ltd

PERMISSION GRANTED

(The applicant, Mike Rogers, spoke in support of the application.)

(The applicant's agent, Jolyon Orchard, spoke in support of the application).

- (3) 15/01074/FUL - Installation of 18Ha (5MW) Solar Farm at Land North of Sandhutton Lane, Sandhutton for Mr David Meehan (Elgin Energy EsCo Ltd)

PERMISSION GRANTED

(The applicant's agent, Shelley Coffey, spoke in support of the application).

- (4) 14/02578/OUT - Outline application for the construction of 25 residential dwellings with all matters reserved excluding access at White House Farm, Stokesley for Northumbrian Land Ltd

DEFER for site visit and further consideration of highways issues.

The decision was contrary to the recommendation of the Executive Director.

(The applicant's agent, Neil Morton, spoke in support of the application).

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

(Malcom Smallwood spoke objecting to the application.)

The Chairman adjourned the meeting at 12.00pm and the meeting reconvened at 1.30pm.

- (5) 15/01469/FUL - Construction of a single storey 2 bedroom dwelling at 38 Leases Road, Leeming Bar for Mr Brian Follen

PERMISSION GRANTED

The decision was contrary to the recommendation of the Director of Environmental and Planning Services. The Committee was satisfied that the development would not be harmful to local character or residential amenity and would therefore accord with development plan policies.

(The applicant's agent, Jonathan Green, spoke in support of the application).

- (6) 15/00513/FUL - Construction of a dwelling at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

PERMISSION GRANTED

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

- (7) 15/01509/FUL - Change of use from dwellinghouse to a Bed and Breakfast at Rowan Brea, Sutton Road, Bell Lane, Huby for Mrs Amanda Pavis

PERMISSION GRANTED

- (8) 15/01063/OUT - Outline planning application for the construction of a 4 bedroom dwelling at Rowan Brea, Sutton Road, Bell Lane, Huby for Mrs Amanda Pavis

PERMISSION GRANTED

- (9) 15/01543/OUT - Outline application for the construction of a dwellinghouse at Land to the south west of Prospect House, Great Fencote for Mr D Ward

DEFER to clarify the extent of the applicant's control over relevant land.

The decision was contrary to the recommendation of the Executive Director.

(Alison Booth spoke on behalf of Kirkby Fleetham with Fencote Parish Council objecting to the application.)

- (10) 15/00959/FUL - Change of use of dwelling to a care home, Class C2 (8 residents) for at Northfield, Oaktree Bank, Knayton Action4Care Limited (Mr Robert Hadfield)

PERMISSION GRANTED

(The applicant's agent, Eric Talford, spoke in support of the application).

(Norma Naggs spoke objecting to the application.)

- (11) 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

PERMISSION GRANTED

(Owen Evans spoke on behalf of Low Worsall Parish Council in support of the application.)

- (12) 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

PERMISSION REFUSED for the following reasons:-

1. The site is in an unsustainable location and the development would therefore be overly dependent on use of the private car; inappropriate design and harmful impact on character of the countryside.

The decision was contrary to the recommendation of the Executive Director.

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

(Donald Rankin spoke on behalf of Sutton on the Forest Parish Council objecting to the application.)

(Michael Kitchin spoke objecting to the application.)

- (13) 15/01361/FUL - Construction of a detached holiday cottage at The Reading Room, Thimbleby for Mrs P Franks

PERMISSION GRANTED subject to an additional condition to ensure retention of the hedge.

(The applicant, Pauline Franks, spoke in support of the application.)

(Michael Read spoke objecting to the application.)

Disclosure of Interest

Councillor S P Dickins disclosed a personal interest and left the meeting during discussion and voting on this item.

- (14) 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

PERMISSION REFUSED for the following reasons:-

1. The proposed alterations would have an overbearing impact harmful to residential amenity.

The decision was contrary to the recommendation of the Executive Director.

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

- (15) 15/01000/FUL - Demolition of office building and construction of 5 dwellings and associated infrastructure at St James Lodge, Masonic Lane, Thirsk for St. James Management Company

PERMISSION REFUSED for the following reasons:-

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.

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (16) 15/01334/FUL - Construction of 3 dwellings with garages at 131 Long Street, Thirsk for Mr Mark McColmont

PERMISSION REFUSED for the following reasons:-

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.

(The applicant's agent, Kevin Baker, spoke in support of the application).

(Andrew Newton spoke objecting to the application.)

- (17) 15/01693/MRC - 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 for Evergreen Park Ltd

DEFER for further highways advice and to consider the site layout.

The decision was contrary to the recommendation of the Executive Director.

(Roger Hall spoke objecting to the application.)

- (18) 14/02152/FUL - Placement of temporary mobile home for 3 years at OS Field 4578, Sykes Lane, Tollerton for Mr Robert Elstone

PERMISSION 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.

(The applicant, Robert Elstone, spoke in support of the application.)

The meeting closed at 5.10 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 15 October 2015. The meeting will commence at 10.00am.

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 15th October 2015

Morning session (10:00am – 12:00noon)

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/01355/FUL Mrs S Leeming Bagby Page no. 13	Construction of a detached dwelling with detached garage and associated access For: Ms Deborah Barker At: Land adjacent to Westwood, Bagby RECOMMENDATION: GRANT
2	15/01917/FUL Mrs H Laws Bedale Page no. 19	Construction of a two storey extension to side of dwelling For: Mr P Balding At: 2 Pinewood Grove, Bedale RECOMMENDATION: GRANT
3	15/01809/OUT Mrs H Laws Carthorpe Page no. 23	Outline application for construction of a dwellinghouse with all matters reserved For: Mrs J Lancaster At: Land opposite Rosedene, Carthorpe RECOMMENDATION: GRANT
4	15/01821/FUL Mrs C Davies Easingwold Page no. 29	Retrospective application for the alterations to dwelling, dormer extension, replacement windows, installation of conservation area roof lights and works to chimneys to form 2 self-contained flats For: James Inman Joinery and Building Contractor At: Kirkstone, Chapel Street, Easingwold RECOMMENDATION: REFUSE
5	15/01335/FUL Mrs B Robinson East Cowton Page no. 35	Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing For: Mr Mike Rogers White House Farm Great Smeaton RECOMMENDATION: GRANT

Afternoon session (1.30pm start)

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
6	15/00325/FUL Mrs B Robinson Hutton Rudby Page no. 53	Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station For: James Hall and Company At: Greaves Garage, 36 Garbutts Lane, Hutton Rudby RECOMMENDATION: GRANT
7	15/01543/OUT Mrs H Laws Kirkby Fleetham with Fencote Page no. 65	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
8	15/01151/FUL Mrs C Davies Myton-on-Swale Page no. 73	Construction of a dwellinghouse For: Mr and Mrs Revely At: Church Farm, Myton on Swale RECOMMENDATION: GRANT
9	15/01728/FUL Mr A J Cunningham Sessay Page no. 79	Formation of additional 15 touring caravan pitches, single storey shower block, toilet block, disabled facilities, wash up area and drying room For: Mr F&D Kay At: The Oaks Fishing Lakes, Station Road, Sessay RECOMMENDATION: GRANT
10	14/02578/OUT Mr P Jones Stokesley Page no. 83	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
11	15/01622/FUL Mrs H Laws Thirn Page no. 97	Construction of a dwellinghouse For: Mr Assheton Montagu Windsor Curzon-Howe-Herrick At: 1 Chapel View Cottages, Thirn RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
12	15/01693/MRC Mrs H M Laws Thirsk Page no. 105	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
13	08/04984/DCN Mr P Jones Winton, Stank & Hallikeld Page no. 115	Proposed discharge of conditions attached to application 08/04984/FUL - Siting of 4 132m high wind turbines, associated works and a new vehicular access For: Infinis Energy Services Ltd At: OS Fields 0058, 6375, 4300 & 0001, land South of A684, Northallerton RECOMMENDATION: GRANT

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1

15/01355/FUL

Construction of a detached dwelling with detached garage and associated access as amended by plans received by Hambleton District Council on 14th July 2015 and 13th August 2015.

**at Land Adjacent Westwood Bagby North Yorkshire
for Ms Deborah Barker.**

1.1 This application as amended seeks consent for the construction of a 4 bedrooed detached dwelling with a detached domestic garage to the rear on a vacant site adjacent to Westwood, Bagby.

1.2 The proposal seeks to site the dwelling to the front of the site with vehicular access to the west of the dwelling leading to the domestic garage and garden area to the rear. The amended plans propose a dwelling with three dormer windows in the front elevation. Proposed materials are brickwork and tiles (details are not stated) with UPVC windows and doors.

2.0 RELEVANT PLANNING AND 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
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - no response to date

4.2 Neighbours- 13 objections received. The main areas of concern raised include:

- a) Additional storey above garage - may interfere with neighbour's solar panels and may be used for business purposes and is too high for area and windows may cause overlooking.
- b) Surface drainage has been an issue on this site
- c) Potential for business use of the site is of concern as the applicant runs a haulage business
- d) There are some rights of way across the site to access rear paddocks which must be retained at required width of 3.5m

5 notifications of support for the proposal have been submitted with the comments summarised as:

Development of the site will significantly improve the visual amenity of the village as the site is becoming an eye sore.

The neighbours were re-consulted on the amended plans on 18th August 2015 (which have removed the upper floor above the domestic garage). No further response has been received.

4.3 NYCC Highways- conditions recommended

4.4 Yorkshire Water require that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

4.5 EHO- Senior Scientific Officer recommends a contamination condition to ensure the land is suitable for use.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, together with an assessment of the impact upon the appearance of the area, highway safety and neighbours' amenities.

5.2 The site falls outside any defined Development Limits as the village of Bagby does not have any as defined within policy CP4 of the Core Strategy where 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".

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.

5.3 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.

5.4 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."

5.5 Bagby is now defined as a Secondary Village and is therefore classed as a sustainable settlement and 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". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Bagby it is noted that this site is a vacant plot which is located within a central part of the village with many other dwellings to either side and opposite it. The proposal is to be for a dwelling with a roadside frontage and it is noted that the village as a whole is considered to be primarily roadside development with some further building beyond.

5.6 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 dwelling would be constructed on a vacant "infill" plot within an existing row of houses where it will acceptably be viewed as part of the existing built up area rather than as harmful to the countryside. The capacity of the existing infrastructure to accommodate the disposal of additional foul and surface water have been raised as concerns. There is no evidence to show that subject to the imposition of conditions that the foul water sewers are inadequate to cope with the level of flows from a single dwelling. Surface water attenuation before discharge to sewer, if a scheme of soakaways or other SuDS are not viable, is considered appropriate for the drainage of the site and can also be the subject of conditions.

5.7 As amended it is considered that the overall design and lowered ridge line of the dwelling ensures that it will satisfactorily respect the street scene, visual amenity of the area and will appropriately bridge the gap in terms of its height between the large 2 storey dwellings to the west and the bungalows to the east.

5.8 In terms of its impact upon the amenities of the neighbours it is noted that a high number of the objections made relate to the potential for business use at this site and the height of the domestic garage. The Agent has stated that the applicants will not be running their business from this site and no business or office use is proposed. In addition the amended plans have removed the upper floor from the garage building resulting in a reduction in its overall height and the removal of any potential space to be utilised for business use. The position of the windows within the proposed dwelling are principally to the front and rear of the dwelling where they will cause no significant loss of privacy to the adjacent dwellings. It is noted that the access way to the rear paddocks has been retained.

5.9 A condition can be imposed to ensure that surface water drainage is carried out appropriately on this site. Conditions are also recommended by the Highways Authority and there are no objections on grounds of highway safety. Approval is therefore recommended.

5.10 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is liable for payment of CIL at a rate of £55 per sq. m. The Agent is aware of this with the total CIL charge calculated as £14,245

6.0 RECOMMENDATION:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 13 August 2015 (Garage) and PP02A and PP03A 14 July 2015 (Dwelling) unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(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 crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6.

b. Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.

c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

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 43 metres measured along both channel lines of the major road from a point measured 2.0 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. 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 Drawing PP02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

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

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

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

10. 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.

11. 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 11 above.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) 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. In accordance with Policy CP2 and in the interests of highway safety.

5. In accordance with Policy CP2 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.

6. In accordance with Policy CP2 and in the interests of road safety

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

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

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

10. 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

Parish: Bedale

Ward: Bedale

2

15/01917/FUL

Committee Date : 15 October 2015

Officer dealing : Mrs H M Laws

Target Date: 15 October 2015

**Construction of a two storey extension to side of dwelling as amended by plans received by Hambleton District Council on 25 September 2015.
at 2 Pinewood Grove Bedale North Yorkshire DL8 2BQ
for Mr P Balding.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The dwelling is a two storey semi-detached property with a detached single garage that lies on the eastern side of Pinewood Grove. The dwelling is at the end of the row of dwellings and lies at right angles to its neighbour to the south, which is a bungalow at 8 Grange Road.

1.2 It is proposed to remove the garage and construct a two storey side extension to provide a garage and kitchen and a first floor bedroom with en-suite and a study. A dormer window serves the first floor on the front elevation.

1.3 Amended plans have been received that reduce the size of the extension, moving it further from the side boundary and stepping it back at first floor behind the existing building line.

1.4 The extension would be finished in bricks and concrete tiles to match the existing building.

1.5 The application is presented at Committee as the agent is one of the Ward Members for Bedale.

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 CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

4.1 Parish Council - no comment

4.2 Site notice/local residents - correspondence has been received from and on behalf of the resident of 8 Grange Road and the comments are summarised as follows:

1. A close relative lives adjacent to the proposed construction and my concerns for her are a possible reduction in the amount of light in her kitchen - the room where she spends much of her time. Fortunately the present plans show no windows over-looking her property.

2. Concern as to how the residents at no2 are going to access their back garden as the new building will be very close to the existing boundary fence with no way through to the back.

3. Concern about parking. The road is extremely narrow and the proposed extension occupies the existing parking space and so will mean that the occupant's cars will have to be parked on the road. The additional bedroom suggests higher occupancy and therefore more cars.

4. There is already a problem with neighbours parking on the pavements- blocking access and making entry and exit from other driveways hazardous, especially when cars park on the wide pavement on the corner of Pinewood Grove/Grange Road.

5. Deeply concerned about the height and proximity of the proposed dwelling which will take away a great deal of light from my living kitchen.

Further comments are awaited following the receipt of the amended plans (expiry date for representations 9/10/2015).

5.0 OBSERVATIONS

5.1 The issues to be considered include the effect of the extension on the character and appearance of the existing dwelling and the streetscene and the effect on the amenity of neighbouring residents.

5.2 The proposed extension repeats the form and design of the existing dwelling and would be constructed in materials to match. The scheme introduces a new feature, the dormer window, but the reduction in the roofline and provision of this window emphasises the secondary nature of the extension and respects the dominance of the original dwelling. The proportions of the extension in respect of its width and height and the size of the window, are considered to respect the character of the existing dwelling. The proposed scheme would not detract from the appearance of the dwelling and the streetscene and would comply with LDF Policies CP17 and DP32.

5.3 The side gable of the existing dwelling lies approximately 5.5m from the boundary with 8 Grange Road and 12m from the closest point of that dwelling. There is concern that the proposed extension would have an overbearing impact on the amenity of the occupants of the bungalow. There would be no overlooking; a window in the existing side elevation would not be repeated within the side elevation of the extension.

5.4 The proposed scheme has been amended as described above, to move the extension further from the boundary and step the front elevation behind the building line, which reduces any overbearing impact of the side gable. The windows in the rear elevation of the bungalow that would be affected include secondary (wc/utility room) windows and a kitchen door and window. The affected kitchen is a kitchen/diner, which has another window in the side elevation. The bedroom windows on the rear elevation of the bungalow lie further from the boundary at a distance of 10m from the extension and would be less affected. The proposed extension is positioned to the north west of the bungalow and therefore sunlight into that property would not be affected for most of the year. LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. It is considered that the proposed amended plans comply with Policy DP1.

5.5 Adequate parking space lies outside the proposed garage for the parking of one car. It is recommended that a condition be imposed to ensure the garage is kept available for the parking of a car so that the site is capable of accommodating two vehicles off the road.

5.6 The proposed extension is considered to be acceptable and approval of the application is recommended.

SUMMARY

The proposed extension is of an appropriate scale and design and is in keeping with the existing dwelling. It will not have an adverse effect on the appearance of the dwelling or surrounding streetscene or the amenity of neighbouring residents. The proposal is in accordance with LDF Policies CP17, DP1 and DP32.

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 garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 02/08a, 03/08a, 04/08a, 05/08a and 06/08a received by Hambleton District Council on 19 August and 25 September 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 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 and in accordance with LDF Policies CP2 and DP4.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP1 and DP32.

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Parish: Carthorpe

Ward: Tanfield

Committee Date : 15 October 2015

Officer dealing : Mrs H M Laws

Target Date: 22 October 2015

3

15/01809/OUT

**Outline application for construction of a dwellinghouse with all matters reserved.
at Land opposite Rosedene, Carthorpe, North Yorkshire
for Mrs J Lancaster.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the southern side of the main village street at the western end of the village. The site is currently vacant and covers an area of approximately 600sqm. It is bounded by a post and rail timber fence with a mature hedgerow and a gateway along the roadside frontage. A public right of way lies along the western boundary, which is an access track to a property to the south.
- 1.2 It is proposed to construct a detached dwelling on the site. The application is in outline form with all matters reserved although an indicative layout has been submitted for information. A gate lies on the front boundary but there is no dropped kerb and this is not necessarily the intended access point into the site.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 2/90/026/0067 - Outline application for the construction of a bungalow. Permission refused 21/9/1990 and dismissed on appeal.

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 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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP10 - Form and character of settlements
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 - comment as follows:
- The plans make it look like there is existing access to the site. There is a gate set in the hedge but there is no drop curb or existing method of crossing the grass verge.

- The development would extend the ribbon development of the village.
 - There is current concern over title of the land.
- 4.2 NYCC Highways - no objections subject to conditions
- 4.3 Ramblers - no objections
- 4.4 HDC Environmental Health - Subject to the full application containing information regarding drainage provision and means of water supply, no objections.
- 4.5 Site notice/local residents - an objection has been received from a resident of an adjacent property, as follows:
- Carthorpe is a defined settlement where extending the settlement boundary could ruin the character of the village with rural sprawl. If a ribbon development is repeatedly allowed by setting a precedent with approval of this application, then Carthorpe would be overwhelmed. The protection of village rural qualities is supported by Local Planning policies.
 - The 'Settlement Hierarchy' has positioned Carthorpe as a cluster village with Burneston to enable Carthorpe to be sustainable as a village community with an adequate level of service provision. It is understood that service utility systems, and in particular sewerage, is currently very stretched. So more dwellings become non sustainable without more new infrastructure.
 - There is no pressure or demand for housing development beyond the settlement boundary of Carthorpe as there are always dwellings in the village for sale, many of which take many months or even years to sell. A good example is Primrose Cottage, a single storey bungalow that took approx 2 years to sell. This property is located very near to the proposed planning application site.
 - The proposed siting of the proposed development for a dwelling is particularly ill-considered as it is understood to be on a plot of land that was originally left by the owner to be utilised as a village allotment by a previous Carthorpe resident (i.e. village records). As such this site should be considered instead as a local green space, kept for Carthorpe community use and importantly be protected from development.
 - Since there are no apparent deeds to provide evidence or clarity over ownership to this land, any potential development is subject to a protracted period of legal process and debate.
 - This plot of land should only have permitted use either as an allotment or maintained as green space for community use. Importantly therefore this plot of land should be assigned as 'Local Green Space' in line with your 'Call for sites consultation 2015'.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the rural landscape, neighbour amenity, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits as Carthorpe 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 NPPF. 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 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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.

5.4 In the settlement hierarchy contained within the IPG, Carthorpe is defined as an "other 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 on the edge of the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day and collectively have churches, a primary school, two pubs 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. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

5.5 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 on undeveloped land that lies at the end of the row of residential properties on the southern side of the main village street. There is a house opposite on the northern side of the street. 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."

The proposed development would extend the built part of Carthorpe further along the southern side of the village street and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village. The boundary between the application site and the rural landscape beyond is established by a post and rail fence and the land is overgrown and not in agricultural use. Additional built development lies opposite and beyond. As such it is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.6 The closest neighbours include a bungalow to the east and a bungalow immediately to the north on the opposite side of the road. A new dwelling, either single or two storey, could be designed to prevent overshadowing or overlooking.

- 5.7 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.
- 5.8 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.
- 5.9 The other matters raised by consultees include the absence of demand for housing in the locality. The policies of the NPPF and the LDF mentioned above support the principle of small scale housing development in sustainable locations and the proposal is considered to be in accordance with this aim. The issue of the title of the land is a civil matter not relevant to the determination of the planning application.
- 5.10 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of scale, design and materials and would have no adverse impact on landscape character, residential amenity and highway safety.
- 5.11 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. 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.

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 and the relationship of the proposed development to the existing dwellings to the north and east. 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. 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 the approved details and 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; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. 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 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.
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 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: a. vehicular access; b. vehicular parking; c. vehicular turning arrangements.
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 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.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 6 August 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. 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.
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 in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. 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.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. 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.
11. 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.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

4

15/01821/FUL

Retrospective application for the alterations to dwelling, dormer extension, replacement windows, installation of conservation area roof lights and works to chimneys to form 2 no. self contained flats.

**at Kirkstone Chapel Street Easingwold North Yorkshire
for James Inman Joinery And Building Contractor.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The property is a two-storey end of terrace dwelling that is located on the eastern side of Chapel Street. Footway access to the site at the front is taken directly from the street, or to the rear via a shared access with the adjacent property at Cobblers Mews through an access to the east of Kirkstone.

1.2 This application seeks retrospective planning consent for alterations and extensions to the property to convert it from a single dwelling house into two self-contained flats.

1.3 Planning permission has been refused twice on the site for similar proposals for the conversion and alteration of the existing dwelling into 2 flats, in May 2014 and in April 2015.

1.4 The external works to the property have already been implemented and include the replacement of a conservatory with a single storey rear extension, the creation of a single storey link to an outbuilding, the installation of a flat roofed box dormer window to the rear roof plane, two chimney stacks to the rear have been removed one from the main ridge line and one from a rear single storey projection. The application seeks to regularise these works the main difference being that the chimney stack on the main ridge line would be reinstated.

1.5 There is no vehicle parking associated with the application site and none is proposed. No bin storage is shown and the agent has been invited to explain what arrangements are proposed for both the ground floor and first/second floor flats.

1.6 The site is located within the Easingwold Conservation Area

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/97/041/0713 - Extension to existing dwelling. Permission granted 1997.

2.2 13/02086/FUL - Alterations and extensions to existing dwelling to form 2 flats. Permission refused May 2014 for the following reasons:

1. The scheme is contrary to policy DP28 of the Hambleton Local Development Framework and Part 12 of the National Planning Policy Framework in that the design, scale and materials of the rear dormer window and the principle of the removal of the chimney stacks to the dwelling harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to sustain and enhance the Easingwold Conservation Area.

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

2.3 15/00414/FUL - Retrospective application to turn dwelling into two self-contained flats; Refused April 2015 for the following reason:

1. The scheme is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and Part 12 of the National Planning Policy Framework in that the design, scale and materials of the rear dormer window and the removal of the chimney stack on the rear projection to the dwelling harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to sustain and enhance the Easingwold Conservation Area.

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 CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Easingwold Town Council – Wish to see the application refused. The chimney should be re-instated and access to the properties inspected. We wish to ensure that building regulations have been met to a satisfactory standard including fire regulations. The dormer window is out of keeping with the rest of the building. Alterations were carried out in contravention of the wishes of Easingwold Town Council.

4.2 NYCC Highways - no objections.

4.3 Environmental Health – no objections.

4.4 Site notice/local residents - 3 objections received:

- Inadequate parking for vehicles of the property, causing highway safety problems;
- Works have started with no planning permission;
- Loss of a family house which is now split into two flats;
- There are too many flats in Easingwold;
- Refuse collection will be difficult and disruptive to neighbours;
- The dormer window is large and obtrusive and out of character with the area;
- The dormer window causes water damage to adjacent properties;
- The scheme could damage the water supply pipe to the properties;
- A route through the adjacent garden would be established with adverse impacts on amenity;
- No consent was given for removal of the chimney;
- Removal of chimney out of character with the area;
- Other dwellings approved in the area will exacerbate traffic and parking problems.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the provision of the flats in this location, the potential impact on the character and appearance of the Conservation Area and street scene, impact on neighbour amenity, highway safety issues, The recently issued Ministerial Statement outlines that intentional unauthorised development is a material consideration.

5.2 Concerns have been raised that there is no need for flats and that the proposal would result in the loss of a family house. In terms of policy principle, the site is within the Development Limits of Easingwold which is classed as a sustainable settlement under Policy CP4 with good access to shops and facilities and therefore in principle the sub-division of the existing dwelling is acceptable. It is noted that the Planning Authority has no policy resisting the loss of family homes and a reason for refusal on this basis would be difficult to justify.

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. The NPPF is clear that in determining planning applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

5.4 The site lies in the Easingwold Conservation Area. The external works to the property have already been implemented and include the installation of flat roofed box dormer window to the rear roof plane and the removal of two chimney stacks (one from the main ridge line and one at lower level). The application now seeks to retain the rear dormer, to reinstate the chimney stack on the main ridge line at the end of the terrace and to formalise the removal of the lower chimney stack.

5.5 The reintroduction of the chimney stack to the main ridge line is to be welcomed, as the stack was a very visible, positive feature, contributing to the character and appearance of the wider Conservation Area and its removal has harmed the appearance of the Conservation Area. However detail of the replacement stack would need to be agreed as it should match the appearance of the existing taller stacks and include at least two tall Chimney pots. This could be secured via condition. The removal of the lower chimney stack to the lower roof at the rear of the property has limited significance, the adjoining rear extension does not have a stack at this lower level and due to its location the stack would not have been widely visible within the Conservation Area. Taking this into account its removal is considered to be acceptable as the appearance of the Conservation Area would be preserved.

5.6 The large modern flat roofed box dormer however, dominates the rear roof slope of the dwelling and introduces a non-traditional design. It is recognised that this is a finely balanced case as it is acknowledged that views from public viewpoints on Chapel Street are limited, but the dormer window is visible from public view at a number of points on adjacent land to the rear. The scale and appearance of the dormer is unsympathetic to the Conservation Area and would harm the character and appearance of the Conservation Area which is contrary to both local and national policies and to the provisions of the 1990 Act. Moreover, it is considered that The approval of the dormer window as built would make it difficult for the Planning Authority to resist applications for the same style of dormer window to the rear of the adjacent properties to the north and south difficult to and would result in unacceptable harm to the Conservation Area as the character and appearance of the Conservation Area would not be preserved.

5.7 Intentional unauthorised development is a material consideration and it is noted that sub division could have taken place in an amended scheme with more sympathetic style dormer window(s) to the rear, although the applicants do not wish to change their scheme.

5.8 The proposed single storey extension to the side of the property is minimal in its extent and due to its scale and design it would not raise any neighbour or visual amenity issues.

5.9 The rear access, which crosses the neighbouring property at the rear, would be the only access to serve the ground floor flat. The use of the access is likely to be more frequent than the existing use, where the existing dwelling has the option of either a front or rear access but the proposed route would not be altered. Although concern has been raised by the neighbour, it is not considered that the additional activity (including refuse storage) would be significantly detrimental to residential amenity so as to warrant refusal of the scheme on this basis. No location for the storage of wheelie bins is shown for either flat. The agent has been invited to indicate how bin storage would be provided.

5.10 It is acknowledged that the site has no existing associated parking but is close to Easingwold centre where on-street parking provision is readily available. The proposed development would not have a harmful impact on highway safety. The lack of dedicated parking either on site or nearby would be evident to future occupiers. Whilst the amenity of the flats would be poorer without parking facilities the provision of parking is not a requirement of the Council's LDF policies relating to amenity.

5.11 Apartments are exempt from CIL so the development would not be required to make payments.

5.12 Other issues raised by neighbours, including water damage and possible damage to the water supply are not issues than can be considered within the scope of this application.

5.13 The acceptability of the principle of the sub-division of the existing dwelling is not sufficient to outweigh the fact that the unauthorised and unsympathetic dormer window has a harmful impact on the character and appearance of the Easingwold Conservation Area, this is contrary to the provisions of the Act, the NPPF and local policy. The lack of any identified bin storage facilities would result in residential property that has either a poor level of amenity or bin storage taking place elsewhere around the site with possible detriment to the amenity of neighbours and harm to the street scene. Moreover changes could have been implemented without the harmful modern dormer window and intentional unauthorised development is now a material planning consideration.

6.0 RECOMMENDATION

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

1. The scheme is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework; Part 12 of the National Planning Policy Framework and to the 1990 Planning (Listed Buildings and Conservation Areas) Act in that the design, scale and materials of the rear dormer window harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to preserve and enhance the Easingwold Conservation Area.

2. In the absence of details of bin storage arrangements it is considered that the development will give rise to a poor level of residential amenity to occupiers of the proposed flats and neighbours and with the potential to harm the character and appearance of the Easingwold Conservation Area if bins

are left in the street scene contrary to the Local Development Framework Policies CP1, DP1, CP16 and DP28.

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15/01335/FUL

Construction of a solar farm and associated infrastructure, access tracks, temporary construction compounds and security fencing at White House Farm, Great Smeaton, North Yorkshire for Mr Mike Rogers.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application was deferred by Planning Committee in September for further consideration of three matters relating to highway safety, residential amenity and the need for two sites. An update on these matters is provided at paragraphs 5.43 – 5.52.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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
- 1.7 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.

- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 4.3 Highway Authority - conditions requested. Support the proposed Traffic Management Plan.
- 4.4 Environment Agency - no objection.
- 4.5 NYCC Archaeology - support for the removal of the area of possible archaeological interest from the development. Monitoring conditions are recommended.
- 4.6 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.

- 4.18 NYCC Sustainable Drainage officer - no objection with respect to surface water management and flood risk.
- 4.19 Representations. A total of 58 representations have been received with 27 in support, 17 objecting and the remainder making comments neither for or against.

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.

Additional observations following amendment consultations 3.9.2015

Objections:

No long term understanding of the effects on the local environment and public health, waste of arable land, ecological impact.

Contrary to the report, the proposal will definitely change the landscape. Suggest a bond be taken to ensure decommissioning. No benefits to the community have been proposed. Should be avoiding loss of food growing land.

Support:

Despite overlooking, need to decarbonise overrides any slight objection or inconvenience. Land is lower grade and provides respite from monocultures. Welcome support to local economy and for local people to invest. Temporary transport problems during construction are not prohibitive for most.

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 the

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 hedge line 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 Council's 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.

Update Following Deferral

- 5.43 The application was deferred by Planning Committee in September for further consideration of matters pertaining to residential amenity, highway safety and the justification for two locations rather than a single plot.
- 5.44 The applicant has carried out further investigations into the visual impact of the development on the amenity of the homes in the vicinity of the application site. The applicant has provided a variety of additional visual assessments and concludes that the proposed scheme, whilst visible from neighbouring dwellings would not have a detrimental impact on the enjoyment of those properties due to the limited visual impact facilitated by the intervening vegetation. Officers consider that the information provided adequately demonstrates that whilst the solar panels would be visible from these properties they would not dominate the view or create an oppressive development form in proximity to these properties. As such the proposed development is not considered to be harmful to the enjoyment of nearby residential properties or harmful to residential amenity.
- 5.45 The applicant has also provided a series of photomontages from around the site which demonstrate that there are limited locations where public views would be dominated by the proposed solar farm, rather, one would see glimpses of the solar panels, with the view broken up by intervening existing or proposed vegetation.
- 5.46 Officers remain satisfied that the proposed development would not have a significant adverse impact on the residential amenity of any neighbouring property.
- 5.47 The applicant has provided a Transport Management Plan which identifies the location of proposed passing places and a holding area for the HGVs which would allow for their management on the local road network. They have also produced a banksman system for Millers Lane that would stop HGVs and cars, pedestrians, horses etc. having to pass each other on the lane. The applicant has also collated bus time information and set a plan to avoid these bus times.
- 5.48 The applicant also notes that they have accident data for the last 5 years which proves the roads around the site are not particularly dangerous (6 accidents in 5 years) with no accidents involving HGVs. Most accidents are down to driver error in wet or icy conditions and do not involve other cars.
- 5.49 The Highway Authority had not objected to the scheme nor had it recommended any of the specific measures now suggested by the applicant. The proposed passing places along with the traffic management plan would significantly mitigate the risk of both collisions and delays for local traffic on the roads in the vicinity of the application site. The Highway Authority has been consulted with regard to the Transport Management Plan and has confirmed its acceptance of the proposals.

- 5.50 With regard to the question of the development being split between two sites, the applicant has provided a detailed summary of the justification for this. Essentially this comes down to the cost of the grid connection, the financial viability of the site as a whole and the availability of land in the vicinity of the application site.
- 5.51 The scale of the proposals is dictated by the cost of the grid connection, subsidies involved and the reduction in costs due to scale. The applicant looked at alternative site arrangements to allow the development of a single site. However, there is a limited availability of land around the application site. The majority of the land is in separate ownership and is not available for development. The only remaining land which was close to the farm was considered to be too prejudicial to the farm operation to be developed.
- 5.52 In conclusion Officers consider that the applicant has reasonably demonstrated that the development would not adversely impact on residential amenity or road safety. Additionally the applicant has demonstrated that a single site would not be financially viable.

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.
21. The scheme hereby approved shall be implemented in accordance with the requirements of the Traffic Management Plan received by Hambleton District Council on 20 September 2015.

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.
21. In the interests of Highway Safety and local amenity.

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15/00325/FUL

Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station at Greaves Garages Ltd., 36 Garbutts Lane, Hutton Rudby North Yorkshire for James Hall and Company.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Consideration of this application was deferred at the Planning Committee meeting of 25 June 2015 for further assessment and advice regarding the movement of vehicles and pedestrians within the site.

1.2 In response, the applicant has submitted additional details showing measures to enhance awareness of reversing vehicles. These comprise:

- Bollards with flashing beacons sited on the corner of the entrance to the filling station and on the opposite corner;
- Metal railings to replace proposed acoustic fencing for a length of 2.5 metres at the entrance to the filling station, with the aim of improving inter-visibility;
- A pedestrian route between a proposed pedestrian refuge at the front of the shop car park, and the front corner of the filling station;
- A marked pedestrian route across the front of the shop car park; and
- Moving the 'offset fill' (this is essentially the filling point for the petrol tanks) facility to the northern, roadside, boundary.

These matters are the subject of advice from an independent traffic consultant engaged by the Council set out in paragraphs 5.9 to 5.11 below.

1.3 The site includes a single storey garage/car showroom with hardstanding at the front which is open to the road way. Overall dimensions of the existing buildings are 21m x 20m. To the north west there is a detached car park of dimensions 42m x 23m (average) with an access on the east side. The detached car park is bounded by a metal railing fence and a hedge boundary to an adjacent marked public right of way, which runs along the outside of the existing fence.

1.4 Between the forecourt of the building and the detached car park, a southward access serves 3 houses at the rear. There is a further access drive westwards from the entrance, serving two properties at the rear of the car park.

1.5 The property immediately to the east of the main site is 34 Garbutts Lane, where there is a dwarf wall and high fence along the boundary of the front garden with the application site. Immediately to the west of the car park, there is a single dwelling, Apple Tree House. Apple Tree House has a well-developed hedge, approximately 1.7 metres high, on the boundary with the existing detached car park.

1.6 There is residential property opposite the site. A new development of 16 houses is underway to the west of Apple Tree House, on Garbutts lane. The development is intended to include an extension of the footpath across the front of Apple Tree House and the garage car park.

- 1.7 The location is at the western edge of Hutton Rudby, on the road towards Crathorne and the A19.
- 1.8 The proposal is to redevelop the site to provide a convenience supermarket with overall dimensions of 21m x 21m with a sales area of 282 sq. m and associated stock room/office/prep area. The building is proposed to have a dual pitched roof over the east side and a mono-pitch on the west side.
- 1.9 External materials of the shop are brick (red multi) and the main roof is to be concrete tile (Redland Richmond 10, colour slate grey). The mono-pitch roof is proposed to be profiled sheeting, behind a brick parapet at the front. The main shop frontage facing the road has tall windows running to the apex of the gable and set on a brick plinth.
- 1.10 The proposed building is offset from the east boundary of the site by approximately 1 metre. At the rear there is a plant area measuring 8m x 2m where a 2 metre high acoustic fence would enclose extractor plant. An existing hedge along the rear boundary would be trimmed and lopped down to a maximum 2m in height.
- 1.11 The west boundary of the forecourt as proposed has a dwarf wall boundary for the first 12 metres back from the road frontage, with additional close boarded timber fencing (maximum height 2.3 metres), for the remainder. On the east boundary, the existing wall at the side of the building would be reduced in height to 2 metres and capped to form a boundary with 34 Garbutts Lane.
- 1.12 At the front of the proposed shop the existing forecourt would be laid out for 11 car parking spaces, including pedestrian islands at the front.
- 1.13 Also proposed is a small petrol station facility on the existing detached car park. Two pumps are proposed, positioned at the centre of the existing car park site. The pumps would have a small canopy over, 5.4 metres long and 2 metres wide, with a simple mono-pitch inclined towards the north (roadside). The maximum height of this structure would be 3.9 metres. The front face of the canopy would be tiled.
- 1.14 The boundary of the filling station area is intended to retain screen planting. Acoustic fencing is proposed on the west boundary and south boundaries.
- 1.15 The proposed lighting includes 5 metre high LED lighting columns (7 in total) including 2 on the street frontage of the petrol station, one each on west and south boundaries, and 3 in total on the forecourt parking area, 2 of which would be cowled to reduce light spillage. Lights are proposed over the pumps and one on the front face of the building.
- 1.16 As the application has progressed, variations to parking and access arrangements have been considered. As now presented the access point to the detached car park is widened, and the scheme includes 11 car parking spaces (1 disabled), and provision for bicycles, on the forecourt of the proposed shop, an additional 3 car parking spaces for customers in the north east corner of the proposed garage site, and a further 6 spaces on the west boundary of the proposed garage site, the plans show that these are intended for staff. As noted above (paragraph 1.1), the offset fuel fill is located on the north boundary of the site, behind a solid wall 2 metres high and 4 metres long.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council -. The Council request a site visit. The Council are in favour of the application for the convenience store but recommend refusal for the petrol station. There are concerns over the traffic management and road safety including the route in and out for cars and petrol tankers. There should be clear delineation between where cars and pedestrians will travel and a clear curtilage of the site. The petrol station would cause light pollution and disturbance to nearby residents. Residents' right of way should be protected. There should be adequate security surrounding the ATM. More car parking spaces should be provided. Opening hours seem to be too long and should be curtailed. The Council suggests that the developer pays for some traffic calming in this area. The Council had previously contacted NYCC to ask that the 30 mph limit on Garbutts Lane be moved further back towards Campion Lane.
- 4.2 Highway Authority – the Authority's first response, dated 7 May 2015, recommended refusal:
- i. The Planning Authority considers that the proposed delivery arrangements to the development would interfere with the free flow of traffic on Garbutts Lane and with consequent danger to highway users.
 - ii. The Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on Garbutts Lane to the detriment of the free flow of traffic and road safety.
- 4.3 Prior to the June Planning Committee, the Authority made observations, without prejudice, on traffic movements on private land within the site. These expressed concerns about reversing manoeuvres and potential conflict with users of the filling station, shop and pedestrians.

NYCC Highways updated response

There are several highways issues in relation to the proposed development from the Highway Authority, which can be summarised as follows:

Parking available on the site for customers and staff

The plans as originally submitted showed a total of 13 spaces to serve the development. At that time the level of parking was considered unacceptable by the Highway Authority and this was part of the recommended reasons for refusal on the previous recommendation. Since then there have been further plans and a supporting statement submitted showing 21 spaces comprising of 11 to the front of the store, 3 near the entrance to the filling station forecourt and a further 7 to the

western boundary of the site. There is a concern that there will be times that there will be parking on Garbutts Lane however given the revised provision a refusal based on the level of parking would be difficult to sustain.

It is however recommended that a scheme is submitted that will promote the use of these spaces and that staff should be encouraged to park away from the store leaving the spaces in front for customers.

Delivery for service vehicles

The applicant's transport statement indicates the following frequency for deliveries to the site:

- 6 fresh/chilled produce deliveries per week (Monday to Saturday) by articulated HGV;
- 1-2 ambient stock deliveries per week (Monday to Saturday) by articulated HGV;
- 6 bread deliveries per week (Monday – Saturday) by small HGV/LGV;
- Daily newspaper deliveries by transit van; and
- 1 petrol tanker visiting the filling station per week.

Previously the turning manoeuvres associated with the deliveries were not acceptable to the Highway Authority as these involved reversing manoeuvres either onto or directly adjacent to the highway. The applicant's agent has rearranged the delivery arrangements to the site and highlighted further information from Manual for Streets and Manual for Streets 2 in support of some of the manoeuvres that do not need to be fully accommodated. Given that this is national advice, which would be referred to in any appeal, the Highway Authority considers that a refusal would be difficult to sustain in terms of highway safety. There will be reversing manoeuvres on the shared private area in front of the proposed convenience store however as this is private land and outside of the Highway Authority's control. A condition is recommended to restrict any HGVs reversing on and off the highway at that location.

The proposed convenience store and petrol filling station will increase the trips to and from the site. The Applicant's Transport Statement raises no issues in terms of highway capacity and it is therefore not considered that the traffic generation of the convenience store or the petrol filling station will cause any significant issues on Garbutts Lane.

There is a concern with regard to the visibility that is available at the existing access however this can be improved by the removal of the hedgerow and vegetation that exists to the west. Also in consideration to the new development to the west of the site and the new footway that is conditioned as a part of permission 13/02666/FUL, it is recommended that a condition is attached which will improve the pedestrian facilities in that ar.4 Further was sought following receipt of additional details on 17 July but none has been forthcoming and independent consultancy advice has been taken instead.

- 4.4 NYCC Rights of Way - Plan provided showing actual and claimed public right of way. An informative note is requested: (i) there shall be no obstruction to footpaths; and (ii) a claimed Public Right of Way is in hand and this should not be obstructed.
- 4.5 NYCC Trading Standards (inc. petroleum) – has engaged directly with applicant, including revisions to scheme. As amended, happy with the arrangement for the offset fills.
- 4.6 Environmental Health Officer - No objection, subject to opening hours being restricted to between 07:00 and 22:00. It is suggested that external plant be at ground level to

minimise noise impact on residents of Glenavon. The mitigation measures set out on page 30 of the applicant's noise report should be followed.

- 4.7 CPRE - the application should be approved as the site is within village boundaries and would be a useful facility for Hutton Rudby. This facility will provide better parking and an improved shop.
- 4.8 Ramblers - no objection (comment that path along the frontage is below standard, particularly its width at the garage end).
- 4.9 Northumbrian Water - no objection.
- 4.10 Police Architectural Liaison Officer - Comments that this is a low crime and disorder area. Links provided on advice to maximise security including provision of CCTV, security for cash machines and cash in transit, security lighting, alarms. Comment on security for staff vehicles parked away from the shop, and provision for bicycles recommended. A Secured by Design scheme is recommended and a condition requested to secure this.
- 4.11 Environment Agency - We will not be providing detailed site-specific advice or comments regarding groundwater issues for this site. We recommend that the developer addresses risks to controlled waters at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'.
- 4.12 Neighbour observations:

Objections (summarised) to original proposal

- Highway safety concerns including: access and visibility, additional traffic, speeds along the existing road and insufficient parking. Risk to pedestrians crossing the frontage. Turning issues for tankers.
- Noise - particularly from plant room and query regarding the analysis submitted. Also traffic noise.
- Light pollution. No assessment provided
- Potential for anti-social behaviours associated with hanging around ATM.
- Nuisance - Litter. Refuse collection - risk of pests. Pollution to watercourse.
- Construction phase - no details
- Location less convenient than existing shop. Shop size much larger than existing - wider impact than existing
- Queries whether all land owners consulted. Lack of Post Office facilities. No assessment of need for petrol station - could become a disused eyesore. Opening hours - 7 till 10 sufficient for present shop
- Site better suited to housing

Further comments following amended plans received 17 July 2015

- Ownership issues and rights of access.
- Consultations required to Licencing Authority, HSE and EA
- Illustration does not show pedestrian access from Broadacres Development along bridleway.
- Attention to access from Levendale.
- Risk from major hazard pipeline.
- Disturbance from engine noise, fumes and reversing warning hazard sirens. Manoeuvres will block access.
- Conjunction of accesses to two developments, local houses and public

- footpath. Visibility of cars entering and exiting fuel site.
- Measures proposed token gestures unlikely to have significant effects in reducing risks.
- Petrol station should be removed from proposal.
- Risk of collisions from vehicles approaching the petrol station at speed and late sight of vehicles pulling out of car parking in front of the store.

Support (summarised)

- Better alternative to existing shop - beneficial to retain a shop in the village. Alternative would be to become a dormitory.
- Will remove congestion, including parking problems in the village centre + Conservation Area.
- Urgent decision required.

5.0 OBSERVATIONS

5.1 The site is within the settlement limits of a service village, and the proposal has the potential to be acceptable in terms of CP1 and CP2. As a shop and petrol filling station, the proposal is a type of community facility supported by Policies CP3 and DP5, in so far as they constitute an important contribution to the quality of local community life and the maintenance of sustainable communities. The development is therefore considered to be acceptable in principle, and the issues to consider will be design (CP17, DP32), amenity (CP1, DP1), and highway safety issues.

5.2 The retail element of the development is CIL liable.

Design

5.3 The proposed shop building is similar in character to the existing development. It presents a higher profile to the public view from Garbutts Lane, but particularly taking into account its set-back position, and the use of brick materials on the public face, it will be an acceptable fit with the local surroundings.

5.4 The proposed petrol facility is within an existing car park, which currently has an urbanised character. The proposed pumps and associated canopy are modest in size. The proposed canopy is the minimum to serve the purpose and with its tiled finish, would be a relatively unobtrusive feature in the wider surroundings.

Amenity

5.5 Subject to opening hours, which can be controlled by condition, it is considered the general activity associated with the shop use is broadly compatible with the residential surroundings.

5.6 The specific issue of noise associated with plant at the rear of the building has been considered closely. A noise report was submitted and after detailed consideration, including specific points raised by a close neighbour at the rear, the Councils Environmental Health Officers are satisfied that the scheme as submitted would comply with the relevant standards and the proposed mitigation measures are acceptable.

5.7 Lighting details have been supplied and considered and have been confirmed as being within the relevant standard to protect neighbouring properties from obtrusive lighting.

- 5.8 In conclusion, the shop development is considered acceptable in principle, design and amenity.

Car parking, access and highway safety

- 5.9 The original plans made provision for off street parking for 14 cars for customers. This has now been increased to a total of 21 spaces. The Highway Authority's published standards (2003) indicate that for a neighbourhood supermarket in a rural area (which is considered appropriate to this proposal, as a village shop facility), the number of spaces should be 1 per 30 sq.m gross floor area which would equate to a need for 14.7 spaces, and this standard is more than achieved in the current scheme. The applicant has submitted a detailed supporting statement for their parking provision including 'parking accumulation' analysis for equivalent stores and state that provision of 11 spaces would suffice. The proposed amended scheme has now made sufficient car parking provision to ensure that the likelihood of parking on the highway is minimised and the required off street parking standards are considered to be met.
- 5.10 The applicant has provided swept path analysis of typical vehicles to service the fuel facility and the shop, from and to the west (A19) direction. Tracked movements have been provided for truck and HGV vehicles to serve the shop, by means of reversing to the front face of the shop and for an articulated vehicle to serve the fuel pumps.
- 5.11 The safety of access by various vehicle types necessary to service the building and the provision of parking has been a concern of the Highway. The Highway Authority is now satisfied that the revised scheme would not have any significant detrimental impact on highway safety subject to standard conditions and a condition to ensure that parking spaces are used effectively.
- 5.12 Of principal concern at the time of the earlier deferral was the question of on-site pedestrian and traffic safety. The Highway Authority considered that as these matters did not impact directly on the operation of the highway they could not advise the Local Planning Authority but raised concerns about the potential on-site conflicts between different users and HGVs.
- 5.13 In the absence of further advice from the Highway Authority, the Local Planning Authority has taken third party advice from JMP consultants who have carried out work on behalf of Highways England in the past. In discussion with JMP some further minor modifications to the layout have taken place in order to achieve what is now considered to be a satisfactory arrangement when combined with on-site management methods. When taken together JMP consider that the risks involved in terms of the potential conflicts between users are satisfactorily mitigated. The following additional mitigation measures are proposed:

Reversing Beacons: These will be flashing amber beacons which will be activated to provide other users of the access road (i.e. resident vehicles) warning that HGV servicing vehicles may be reversing across the access road in order to access the servicing bay. It is proposed that the delivery driver will contact the store prior to arrival (as is the case with fuel deliveries) so that the flashing beacons can be activated using a control switch located in a convenient position within the store. The flashing beacons supplemented by the signage identified below would alert drivers and advise them to proceed with caution. As you note, vehicle speeds should be relatively low in any event.

Mounted Mirrors: A convex mirror is to be erected to the left of the PFS entrance – to assist residents see HGVs which may be reversing across the access road and also

to assist drivers of servicing vehicles, emerging from the servicing bay, to see residents vehicles which may be approaching from the left.

Signage: Warning signs to be erected with the wording "Caution – HGVs reversing when lights flash" to complement the presence of the flashing beacons.

Additional Surface Markings: The suggested zebra crossings would be implemented to highlight the suggested pedestrian routes for both pedestrians and drivers alike. No additional road markings on the access road are proposed as much of the access road is not within the ownership of the developer so additional warning markings would not be possible.

Reduced Height of Boundary Wall to the Loading Bay: A revised Architects drawing which shows reductions in the boundary wall.

- 5.14 In conclusion, the consultant advises that the applicant has gone to great lengths to mitigate the potential risks of on-site user conflict, along with addressing the concerns of the Highway Authority in terms of vehicle manoeuvres, parking and access issues. The conclusion of the independent consultant is that these measures adequately mitigate the risks involved and officers recommend approval of the scheme.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application be approved 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 P-03 Rev F; P-05 Rev F; P-06 Rev J received by Hambleton District Council on 20 February 2015 and 12 June 2015 unless otherwise approved in writing by the Local Planning Authority.
 3. Opening times of the shop shall be between 07:00 and 22:00 only.
 4. External plant shall be restricted to the number and detail of equipment set out in paragraph 6.4.1 of Miller and Goodall Noise Assessment received by Hambleton District Council 20 February 2014. The equipment shall be installed at ground level, and shall not be operated unless all the mitigation measures contained in the Miller and Goodall Noise Report on page 30 are installed and are maintained to full operational capacity.
 5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 6. 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.

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 in consultation with the Highway Authority: a. vehicle access; b. visibility splays at the access; c. a scheme to facilitate pedestrian movements; d. a scheme to promote the use of the car parking spaces within the site.
8. No part of the development shall be brought into use until the approved details approved under condition number # are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these items shall be maintained retained for their intended purpose at all times.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. P06 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal
11. No Heavy Goods Vehicles associated with the development shall reverse from the highway into the site
12. 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 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.
13. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

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 CP16 and DP32.
3. In the interests of the amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework policies CP1 and DP1.
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 DP32.
6. In accordance with policy CP2 and DP4 and in the interests of highway safety.
7. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In accordance with policy CP2 and DP4 and to provide for appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with policy 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.
10. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In the interests of highway safety.
12. In accordance with policy 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.
13. To reduce the risk of pollution to the water environment

Informatives

1)The Environment Agency provides the following information.

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the cleanup of spillages, to prevent environmental pollution from the site operations.

We advise that polluting materials and chemicals are stored in an area with sealed drainage

2) 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.

3) Notwithstanding the submitted plan, no works are to be undertaken which may create an obstruction, either permanent or temporary, to the route of the claimed Public Right of Way. 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.

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15/01543/OUT

Outline application for the construction of a dwellinghouse 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 Consideration of this application was deferred at last month's meeting to allow clarification of the land ownership relating to the proposed visibility splay.
- 1.2 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.
- 1.3 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.
- 1.4 The site forms part of a larger plot of land, which is not included within the application site boundary.
- 1.5 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 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 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

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.

- 4.2 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.

- 4.3 Further comments have been received following the Planning Committee meeting last month:

- The application was diverted pending the Committee clarifying the ownership of the hedge. We know the field where the hedge is in the ownership of the applicant but it is important that the access and the hedge should be in the same ownership in the future. Therefore the condition of the height of the hedge which affects the safety of the access are as one. As it stands now the condition for the hedge height goes with the owner of the field who may or may not in the future have an interest in the access. The red line for the application needs to be drawn to include the hedge and land adjacent.

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

- 4.5 Environment Agency - no comments required

- 4.6 HDC Environmental Health Officer - no objections

- 4.7 Site notice/local residents - comments have been received from two local residents, which are summarised as follows:
- The village does not need additional housing as there are no amenities to support;
 - There would have to be exceptional circumstances to build on the land;
 - The church is a heritage asset and this should be borne in mind;
 - Parking at the church is already a problem, bearing in mind it is positioned on a road junction;
 - Concerns with access and fast moving traffic on a blind bend even though it is within a 30mph limit;
 - The road safety in the village has been unacceptable for some and is getting worse;
 - Recent refusal of an application nearby - the same argument should apply here; and
 - 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 as amended) 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

6.1 That subject to any outstanding consultations 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 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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15/01151/FUL

**Construction of a dwellinghouse.
at Church Farm, Myton-on- Swale, North Yorkshire
for Mr and Mrs Revely.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Church Farm is located at the south-eastern edge of Myton-on-Swale, opposite St Mary's Church, a Listed Building. The application site covers an area of approximately 0.17 hectares.

1.2 Access to the site is gained directly from the main road. The access splits into two sections around a mature hedge and the eastern most access would be used for the new property and the other for the farm. The site is bounded to the roadside by a mature hedgerow, to the east the site is bounded by landscaping and a post and wire fence. Opposite the site is a high brick wall and mature landscaping enclosing St Mary's Church.

1.3 The application seeks full planning permission to construct a 2 bedroom bungalow with an integral garage and roof storage space. The building would be finished in brick and would have a clay pantile roof.

1.4 The proposed dwelling would be located in front of the existing two-storey, detached farmhouse building and forms part of a larger plot of land containing the farm complex, although this land is not included within the application site boundary.

1.5 The applicants state that the bungalow is required to house Mr & Mrs Revely senior, who have retired from the farm and need ground floor accommodation. They state that the farm worker replacing them could then be offered the farmhouse to live in.

1.6 The site lies within Flood Zone 1 and it is noted that Myton-on-Swale has no Conservation Area.

2.0 PLANNING HISTORY

2.1 None.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- 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 DP28 - Conservation

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
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – we have no objections, we are happy with the design and location of the proposal and support the application.
- 4.2 NYCC Highways - no objections to the proposed scheme subject to conditions.
- 4.3 Yorkshire Water - no comments required.
- 4.4 HDC Environmental Health Officer – no comments to make.
- 4.5 Senior Scientific Officer - a PALC should be submitted.
- 4.6 Site notice/local residents – no responses received (expiry 12th August 2015).

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the setting of the Listed Church building, neighbour amenity, highway safety and developer contributions.

5.2 In policy principle terms, Myton-on-Swale has no development limits and the village is not defined within the settlement hierarchy 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 new property would be sited within the Church Farm complex to the front of the main farmhouse, it would be set back from the main road, and located inside the field boundary to the east, which is considered to delineate the extent of the built form of the village. Taking this into account it is not considered that the new property proposed would create an isolated home within the countryside.

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 and this is considered below.

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 Myton-on-Swale is defined as an "other settlement" in the IPG settlement hierarchy and is therefore classed as a sustainable settlement. The IPG states that small scale development adjacent to the main built form of such settlements "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. Myton-on-Swale has a village church and it is located 2.7km from Helperby, a little further to Brafferton and 2.2km (just over a mile) from Tholthorpe. Tholthorpe has a pub and village hall; Helperby and Brafferton have between them a village hall, primary school, pubs, a GP practice and shop. Other economic benefits of the scheme include the short term boost to the rural economy during construction.

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. The proposal is for a single dwelling and would therefore be small in scale. Myton-on-Swale is characterised by linear development with some built elements set back some distance from the main road including: The Old Vicarage and Church Farm. The proposed property would be sited at the Church Farm complex, in front of the existing farm house and would relate well to that complex of buildings. It would not be a frontage development, but would reflect the general pattern of development in the village. It would be sited within the field boundary running to the side of the existing farmhouse, marking the edge of the village, and the proposed bungalow would be read, when viewed from the east across the fields, as a discrete building forming part of the farm complex, not as an isolated dwelling. Moreover, it is considered that the retention of the open space at the site frontage nearer to the road, should be preserved, rather than built on, as it preserves the open landscaped aspect to entrance of the village and the setting of the Listed Church building. The siting is therefore considered to be preferable to a dwelling set closer to the road frontage. The proposal would successfully integrate into the built form of the village, and the setting of the Listed Church would not be harmed.

5.8 The bungalow would be 'L' shaped and modest in size and scale, it is proposed to be constructed in brick with brick detailing to windows and doors and to have a pitched clay pantile roof and a projecting dentil course. Windows and doors would be uPVC, with windows having glazing bars. A revision to lower roof profile slightly has been requested from the applicant and this has been agreed and additional planting is now proposed to the field boundary (details are to be supplied and reported to Committee). Taking this into account the proposal would successfully integrate into the wider rural landscape and Policies DP28 and DP32 would be met.

5.9 The proposed bungalow would be located 40m in front of the existing farm house, and an orchard would be planted in between. There would be sufficient separation distance to the farm house and to other nearby properties, to ensure that the residential amenity of

nearby occupiers would not be harmed. The proposed bungalow would have sufficient amenity space for the new occupants and due to its location it would be sufficiently separate to the farm activity so as not to harm the amenity of new occupants. It is considered the proposed development would meet the expectations of Policy DP1.

5.10 The existing access would be used and no objections have been raised by the Highway Authority, either in respect of the suitability of the access or in terms of the increased usage. Two car parking spaces are proposed for the property and Highways recommend that a condition on parking layout is applied. Taking this into account the proposed development would not adversely impact upon highway safety.

5.11 The Senior Scientific Officer request that a preliminary assessment of land contamination (PALC) is submitted. This has now been done and no concerns are raised in respect of contamination.

5.12 Under the Community Infrastructure Levy (CIL) regulations, the proposed dwelling is liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015. However, as the scheme is likely to be a self-build, it would be exempt from payment.

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

6.0 RECOMMENDATION: that 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. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference R223/2. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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. 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. The permission hereby granted shall not be undertaken other than in complete accordance with plans received by Hambleton District Council on unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking, in the interests of highway safety and the general amenity of the area.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.

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15/01728/FUL

Formation of additional 15 touring caravan pitches, single storey shower block, toilet block, disabled facilities, wash up area and drying room at The Oaks Fishing Lakes, Station Road, Sessay North Yorkshire for Mr F and D Kay

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The additional touring caravan pitches are proposed to be formed to the north-east of those approved as part of 12/02375/FUL.
- 1.2 The pitches would utilise the access which serves the remainder of the site to south-west.
- 1.3 The scheme includes an amenity block to the south of the site. The structure would measure approximately 19.6m x 6.9m, and would be formed of facing brickwork and concrete pantiles.
- 1.4 A public right of way passes, north-west to south-east, to the east of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/98/129/0097 - Formation of fishing lakes with associated car parking facilities; Granted 1998.
- 2.2 2/00/129/0097A - Formation of a fishing lake and extension to existing lake, siting of two portable buildings to provide reception, take-away food and shelter facilities and construction of a building to provide toilet; Granted 2000.
- 2.3 2/01/129/0097B - Siting of a portable building for use as an anglers' shelter; Granted 2001.
- 2.4 2/02/129/0097C - Formation of a fishing lake to incorporate the use of existing agricultural land; Granted 2003.
- 2.5 2/05/129/0097D - Construction of a cafe at existing fishing lakes; Withdrawn 2005
- 2.6 2/05/129/0097E - Formation of two anglers fishing lakes and reserve by-pass lake and associated landscaping; Granted 2005.
- 2.7 05/02192/FUL - Construction of a shop and café; Granted 2005.
- 2.8 12/02375/FUL - Improvement works to existing vehicular access and change of use of agricultural land to form a caravan site to include the provision of 10 touring caravan pitches as amended by plan received by Hambleton District Council on 15 January 2013; Granted 2013.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections, comments or observations made. The Parish Council expects that planning conditions, in combination with the requirements of any caravan site licence, either existing, or to be granted by HDC, will be sufficient to manage activities at the site.
- 4.2 Highway Authority - no objection.
- 4.3 Ministry of Defence - no objection.
- 4.4 Environmental Health Officer - no objections. Informative: If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence for touring sites under the provisions of the Caravan Sites and Control of Development Act 1960 which would be granted subject to the site licence conditions being met. Environmental Health Technical Support will write to the applicant regarding this matter.
- 4.5 Ramblers Association; expired 28.08.2015 - no response received as at 29.09.15.
- 4.6 Yorkshire Water; expired 28.08.2015 - no response received as at 29.09.15.
- 4.7 Neighbours notified and site notice posted; expired 03.09.2015 - no response received as at 29.09.15.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use in this location, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, and any highway safety issues that may arise.
- 5.2 Policy DP25 of the Hambleton Local Development Framework is most relevant to the expansion of this tourism use in this countryside location. The expansion of the existing use on site, including the construction of the amenity block, would be relatively small in scale, constitute an appropriate extension of an existing acceptable use in this location, is clearly not capable of being accommodated within a settlement with Development Limits due the type of use and its relationship with the existing tourism facilities on site, would provide support to the local economy which would help sustain rural communities, and would not adversely impact the economy of the service centres. The scheme is therefore acceptable under the terms of Policy DP25.
- 5.3 Taking this separation distance to adjacent residential property into account, the

appearance of the proposed touring caravans and the number of pitches proposed, the form and character of the surrounding landscape, and the landscaping proposed to the boundaries of the site, it is considered that the proposed pitches would not cause any significant harm to the visual amenity of the surrounding countryside. Due to the separation distance of the proposed pitches to sensitive receptors in the locality, the numbers of pitches proposed and their complimentary use to the fishing lakes it is considered that there would not be an adverse impact on neighbour amenity.

- 5.4 It is considered that the scheme would be seen in the landscape as a modestly sized caravan site set within a recently planted but developing landscaped area that would soften the visual impact of the touring caravans and other structures. In some views the site would be seen as a backdrop to commercial buildings nearer to the road. Taken together it is considered that the development would not cause any significant harmful landscape.
- 5.5 There is no evidence to show that the scheme would adversely impact highway safety.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 30 July 2015 unless otherwise approved in writing by the Local Planning Authority.
3. No more than 25 touring caravans shall be on the site at any one time and they shall be sited on the pitches indicated on the drawing received by Hambleton District Council on 30 July 2015 unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development shall be used after the end of the first planting and seeding seasons following the completion of the pitches, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 30 July 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.
5. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the

character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP30 and DP32.

3. In the interests of neighbour and visual amenity, and highway safety in accordance with policies DP1, DP3 and DP30 of the Hambleton Local Development Framework.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
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.

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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 was deferred at the last meeting of the Committee in order for a site inspection to be carried out and for further consideration of highways issues, specifically an amended access using a roundabout to be shared with an approved housing site on the opposite side of Westlands.
- 1.2 The application seeks outline permission for agricultural land on the western outskirts of Stokesley, to the south of Westlands, to be developed for 25 houses. With the exception of access, all matters are reserved for a later stage of approval (i.e. appearance, layout, scale and landscaping).
- 1.3 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
- 1.4 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.
- 1.5 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.
- 1.6 With regard to the potential to use the proposed roundabout to the east of the accessed proposed for this site the applicant has been asked to explore the merit of this option.
- 1.7 The applicant's highway consultant has responded by providing the following comments on the suggested change in access arrangements:

WYG Drawing A067520/ C002a, attached, shows a new priority junction on Westlands to serve SE2. The junction has been designed in accordance with North Yorkshire County Council's (NYCC's) Design Guide for a development of up to 100 homes, in particular the following:

- Carriageway width not less than 5.5m for the first 20m back from the give way line, beyond which 4.8m should be provided.

The access sits within a posted 30mph speed limit, and therefore the principles of Manual for Streets (MfS) apply. The speed limit changes from 30mph to 40mph, a short distance to the west of the junction, and in the absence of traffic data an 85th percentile speed of 37mph has been assumed. Based on MfS a visibility splay of 60m would therefore be appropriate to the left and right of the access. Visibility to the right is in excess of 77m from a 2.4m setback, which reaches the westbound exit from the SH1 roundabout. A visibility splay of over 90m to the left can be provided without needing to take down the existing fence line.

The proposed roundabout to SH1 would also further reduce vehicle speeds on Westlands from the east.

The SE2 junction been designed in accordance with the relevant design standards and the proposed arrangement, both in terms of its geometrical and visibility parameters, has been agreed by NYCC's highway officers.

A 2.0m footway is to be constructed eastwards along the south side of Westlands from the access junction to the splitter island on the west side of the SH1 roundabout, which is to be used as a crossing point.

There is no footway connection westwards. An independent Stage 1 Road Safety Audit of the proposed access arrangements was undertaken, which has been submitted to Hambleton District Council (HDC) in support of the planning application, and it concluded that the design only required minor amendments which can be dealt with at the detailed design stage.

- 1.8 This issue is examined in paragraph 5.24 below and any further advice from the Highway Authority will be reported to the meeting.

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
National Planning Policy Framework

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.

Following the deferral of the application and the submission of further information from the applicant the Highway Authority was re-consulted. The Highways Officer comments: "I would agree with the applicant's submission in that the form of junction proposed is acceptable for the number of dwellings to be served off the proposed junction and the visibility that is being quoted is in line with the current guidance in Manual for Streets.

I can see how Members would consider providing an access from the new roundabout to the site would be a common sense solution however given the submissions supporting the new access as proposed I can't see how this could be insisted on given that an adequate junction is being provided as part of this application."

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 Valuers 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 50% social rent/50% intermediate rent tenure split.
- 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 was submitted and the Highway Authority confirmed it was satisfied that the scheme could be recommended subject to conditions.
- 5.24 The applicant's highway consultant has provided further justification for the proposed access arrangements, as set out in paragraph 1.7 above, and any further comments made by the Highway Authority will be reported to the meeting. However, it is important to note the following facts:
- The allocations for this site and site SH1 on the opposite side of Westlands did not envisage or require a shared access;
 - The application site does not extend far enough east to reach the approved roundabout junction for site SH1;
 - Even if it did, the approved roundabout access for site SH1 would need to be redesigned with a fourth leg and the possible addition of further land; and

- The alternative of moving the roundabout west would require a very significant change to the layout of site SH1, which is now subject to an application for approval of reserved matters for up to 183 dwellings (excluding access, which was approved at the outline stage).

In view of the foregoing, and without any requirement for an amended access by the Highway Authority, it is not considered necessary to seek this change, which would not only affect delivery of this site but also up to 183 dwellings on site SH1.

Land contamination

- 5.25 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

- 5.26 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.
- 5.27 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.
- 5.28 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

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15/01622/FUL

**Construction of a dwellinghouse
at 1 Chapel View Cottages, Thirn, North Yorkshire
for Mr Assheton Montagu Windsor Curzon-Howe-Herrick**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is for the construction of a detached three-bedroomed dwelling on the southern side of the village street in the centre of Thirn. The application site is the side garden of 1 Chapel View Cottages (a currently vacant semi-detached dwelling) and covers an area of approximately 360sqm. It is bounded to the south by an established hedge, to the east (abutting Alice Cottage a two-storey dwelling) by a stone wall and fence and to the north by a stone wall. The boundary to the west (i.e. the cottage within the curtilage of which it lies) is not marked on the ground.
- 1.2 The proposed two storey dwelling is laid out in two parts with a larger section stepped back behind the smaller and lower section at the front. A single storey section forming a porch links the two sections on the front elevation. The dwelling would be finished in stone and clay pantiles to match the adjacent properties.
- 1.3 The proposal initially included within this application, was for access to be gained to the rear of the application site via the private access track from the village street and across the rear garden of the adjacent properties at 1 and 2 Chapel View. This element has been deleted from the application. There is no existing or proposed vehicular access into the site and any parking required therefore would be on-street.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01494/FUL - Construction of a dwelling. Permission was refused for the following reasons:
1. The construction of a dwelling in this location is contrary to the provisions of Policies CP1, CP2 and CP4 of the Local Development Framework Core Strategy and to the provisions of the National Planning Policy Framework in that the site is in an unsustainable location outside the boundaries of any settlement identified in the Council's settlement hierarchy and no evidence has been given to indicate that the proposal would be beneficial in enhancing or maintaining local services or the vitality of the rural community.
 2. It is considered that the proposed dwelling in view of its scale, site levels, siting and orientation would be detrimental to the amenity and privacy of the occupiers of the adjacent dwelling to the east contrary to Policies CP1 and DP1.
 3. It is considered that the engineering works required to create off-street parking facilities to the front of the site would be seriously detrimental to the appearance and character of this part of the village and would result in additional vehicles on the highway which would be detrimental to visual amenity and potentially to pedestrian safety. The proposal is therefore considered to be contrary to Policies CP17 and DP32 of the Hambleton Local Development Framework.
- 2.2 An appeal against this decision was dismissed in March 2015.

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 CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council does have concerns about the likelihood of parking on the roadside in Thirn if this dwelling is approved despite the provision of a new access. There will probably be insufficient room to provide enough parking off road for any visitors. The road through Thirn is very narrow and is already blighted by parked vehicles.
- 4.2 Highway Authority - expresses concerns regarding the lack of parking associated with this dwelling. However, due to the existing arrangement at this location an objection is not sustainable. The Local Highway Authority recommends conditions relating to the construction of the development.
- 4.3 Yorkshire Water - no objections to connection to public foul sewer.
- 4.4 Environmental Health Officer - no objections.
- 4.5 SABIC Pipelines: the proposed development falls 155m from the nearest point of the Trans Ethylene Pipeline and is located outside the outer zone of the above Major Accident Hazard Pipeline as defined by HSE guidelines (PADHI). Further consultation would be required if work took place within the 50m notification zone.
- 4.6 Health and Safety Executive - refer to use of PADHI support tool for consultation purposes (see SABIC comments above).
- 4.7 Site notice/local residents - objections have been received from 14 residents, whose comments are summarised as follows:
1. There is no existing vehicular access to the rear of 2 Chapel View Cottage; it is just a small garden;
 2. There is no right of way across the garden of 2 Chapel View;
 3. The development would impact considerably on the already congested village parking;
 4. Considerably diminish the limited amenity space used by children to play safely;
 5. There is a drop of 5' down to the neighbouring Alice Cottage; the french windows will encourage occupants to lay a patio and erect a fence resulting in a loss of light;
 6. In recent years both 1 and 2 Chapel View have been home to young families with children who attend the school at Thornton Watlass, supporting its viability. If the vehicular access to the new build goes ahead it will make two properties in a small village unattractive to families with children who would support the

- services, including the school, in the nearby village. It would also unfairly devalue 2 Chapel View which is privately owned.
7. When all three properties are occupied between 2 Chapel View and Alice Cottage (3 The Cottages on site plan), there are already up to six cars parked regularly on the road. This is undesirable but unavoidable as the properties are built on the roadside without access to the rear. Any more would create traffic problems and aggravate further pedestrian safety in a village without roadside footpaths;
 8. The Street View plan submitted by the applicants does not accurately represent the size of the windows and doorway of the cottage to the East of the proposed building. They are depicted as being larger than they actually are, giving the impression that the proposed building has less impact than would be the case;
 9. The National Planning Policy Framework and Hambleton Core Strategies CP1 and CP2 elude to the desire for sustainable development and in particular the minimisation of the need to travel. There are no public services in Thirn, and the creation of a further dwelling in the hamlet would require travel for access to all services, from shops and schools to businesses. The proposal would not comply with sustainable development in this respect;
 10. More vehicles on the main road through the village will hinder visibility for other drivers passing through the village. Tractors which drive through the village at high speed with limited visibility could cause a serious accident, if more cars are parked there;
 11. Another large dwelling house built in the village will greatly affect the infrastructure in village, i.e. drains, sewage. Can the village cope with this?
 12. Possible road closure while the property is build, will affect the villagers getting in and out to work;
 13. Putting a large new build between two very old cottages will look out of place;
 14. The plans are not accurate and this can be seen when comparing window and door sizes;
 15. The proposed development is contrary to the Council's Interim Policy and not in accordance with the comments of the Inspector in his appeal decision;
 16. The services in Thornton Watlass are limited. Thirn is not linked to Thornton Watlass by a bus service, and the walk is considered dangerous, which is why school transport is provided for primary age children;
 17. Any outside activities associated with the proposed dwelling would overlook Alice Cottage; a fence would result in a loss of light;
 18. The new development will make road safety much more of an issue, including the fact that school children have no option but to walk on that dangerous bit of road;
 19. The existing drainage goes to a septic tank behind the wall with the post box, marked by the manhole cover marked on plan. The development is likely to be on top of the soakaway for the existing septic tank;
 20. The barn is an attractive building which continues on from a row of outbuildings (wood store and garage) in the gardens of No.1 and No.2 Chapel View Cottages. The barn adds to the character of the built environment of these properties. We believe the barn to be the old village wash house;
 21. The grass verge on the roadside which contributes to the rural charm of the village will be reduced;
 22. Hedges and trees will be removed on the proposed development site;
 23. The removal of this wall would detract from the rural nature of the village;
 24. As far as I am aware it is not intended to use a local builder for the construction of the property; therefore even the short term economic benefit for the area is insignificant;
 25. This is way out of the reach of most local families/young people looking to get onto the property market and not in line with the government's new initiative for affordable housing in rural locations;
 26. Overbearing on the small cottage built in the 1700s;

27. There is therefore little precedent for an infill property to be so close to an existing property; and
28. With no footpath this would mean that walking my 2 children and baby in a pram through the village would become even more dangerous.

Further comments have been received from 7 local residents following the receipt of amended plans, whose comments are summarised as follows (expiry date for representations 2/10/2015):

1. Whilst the proposed property, arguably, no longer unduly dominates adjacent properties, would now be aligned with these long standing properties & the ill-thought out parking arrangements to the rear have been dropped - we come back to the very real concerns of even more on-street parking caused by the development;
2. It should be noted that there is no footpath in Thirn, so this limited road space is shared with pedestrians;
3. Delighted that the plan to access through the garden has been dropped but not happy about more vehicles being parked on the road;
4. Many farm vehicles and wagons regularly go through the village;
5. The house is too big and intrusive to neighbours;
6. At the point of the new dwelling, the road is narrow and curves over the top of a rise. There is no provision for pedestrians and the visibility is already poor because of the several cars that already park there. To add more parking will simply intensify the problem, making the section of road even more dangerous; and
7. The new revision has made no substantive attempt to properly address the issues of the effect of the proposed development on the living conditions of neighbouring occupiers and the effect of the proposed development on the danger posed by additional street parking.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and the Development Policies document as set out above and relate, in this case, to the location outside a sustainable settlement identified in the Core Strategy (Policy CP4), the impact on adjacent residential amenity (Policy DP1) together with the potential impact on the appearance and character of the village street (Policies CP16, DP28 and DP30). The content of paragraph 55 of the National Planning Policy Framework (NPPF) is also relevant in this case.

5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements identified in the hierarchy set out in 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 appeal Inspector referred specifically to the sustainability of the proposed development in the decision letter in respect of the economic, social and environmental strands referred to in the NPPF. The conclusion was that there were limited economic and social benefits likely to result from the development but that the environmental impact would be significant due to the harm caused to the living conditions of nearby residents and to the village. The current application has attempted to address these matters and this is discussed further within this report.
- 5.6 In the settlement hierarchy contained within the IPG, Thirn is defined as an "other 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 Thirn which lies 2km to the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction as referred to in the Inspector's decision letter.
- 5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies. This part of Thirn is characterised by terraced and semi-detached cottages set within relatively small plots 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 a garden that forms an infill plot within the village and which is part of the village rather than part of the rural landscape beyond. 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 reasons for refusal of the previous application did not relate to the form and design of the dwelling; one of the reasons for refusal, upheld by the appeal Inspector, related to the positioning and orientation in relation to the adjacent dwelling, Alice Cottage to the east of the site (which is a 'back-to-front' house with its main living rooms and aspect facing away from the highway and towards the rear garden) and its anticipated impact on residential amenity. The design and orientation of the

proposed dwelling has been altered in an attempt to address this objection, which results in a stepped arrangement that would, if this were an existing dwelling being extended, comply with the 45° rule detailed within the Council's SPD on Domestic Extensions—Whilst the SPD is not directly relevant to a new dwelling it provides a useful means of gauging the likely impact on residential amenity. It is not considered that the positioning of the dwelling in relation to the neighbouring property would have an overbearing impact or result in an unacceptable loss of privacy.

5.10 The principal concern is with regard to the possibility of overlooking into the neighbouring property from the rear garden of the proposed dwelling. The application site is already an area of garden and it would currently be possible for overlooking to occur between the site and the adjacent property; it would also be permitted development to erect a 2m high fence that would affect the outlook from Alice Cottage. The use of the garden would not be intensified as the land would still relate to a single dwelling and therefore it is not considered that the impact on residential amenity would be contrary to LDF Policy DP1. If planning permission is granted it would be possible to impose a condition requiring details of boundary treatment to ensure the impact of any fencing on Alice Cottage is limited.

5.11 The previous planning application was also refused due to the adverse impact on the appearance of the site resulting from the removal of the grass bank to provide parking spaces. The current application proposes to retain most of the bank but remove part of the stone boundary wall. The wall is specifically referred to in the Inspector's letter as follows:

"I do not regard the alteration of the boundary wall, or indeed to the relocation of telegraph pole and post box, as causing detriment in themselves. Simply moving the wall to a different alignment would not fundamentally alter the character or appearance of this part of Thirn. The wall could be re-erected to be a similarly attractive stone wall as that which exists."

The wall has a length across the frontage of approximately 13m. A central section of 7m would be removed to allow the dwelling to be sited further forward to address the impact on residential amenity at the rear. Part of the wall may require re-building due to its structural condition but overall a major part would be retained and therefore would retain the attractive appearance identified by the Inspector.

5.12 There is a shortage of off-street parking for a number of the cottages adjacent to the site and several vehicles do already park on the village street. The addition of potentially two new spaces would have both a knock-on effect of additional on-street parking and mean that parked vehicles would spread further along the street. Notwithstanding the absence of off-street parking there are no objections to the proposal from the Highway Authority. The additional on-street parking is not considered to be detrimental to Highway safety in this instance.

5.13 A bat survey has been received with regard to the proposed removal of the existing outbuilding. No evidence of bat roosts or a bat or barn owl presence has been found within the building. Evidence of nesting swallows has been found.

5.14 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.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The method of coursing of stonework, the mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development including details of any alterations or rebuilding of the retained parts of the northern boundary wall, have been submitted to and approved in writing by the Local Planning Authority.
4. The dwelling shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 3 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
5. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
6. 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.
7. 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.
8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HN/39014(00)01B, (10)13A, (20)10, (20)11, (20)11A, (20)12A and (20)01A received by Hambleton District Council on 14 and 30 September 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 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 the Local Development Framework Policies CP1, CP17, DP1 and 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 in accordance with the Local Development Framework Policies CP1, CP17, DP1 and DP32.
5. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, CP17, DP1 and DP32.
6. 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.
7. 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.
8. 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: Thirsk

Ward: Thirsk

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15/01693/MRC

Committee Date : 15 October 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
for Evergreen Park Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Consideration of this application was deferred at the last meeting to allow additional information to be submitted regarding highway issues; the red line application site boundary; the position of the package treatment plant; and the size of the children's play area.
- 1.2 Additional comments have been received from the Highway Authority and these are detailed within paragraph 4.5 below.
- 1.3 The application site boundary has now been amended to remove an area in the south eastern corner which did not appear to be intended for any particular use. The layout plan now shows the proposed package treatment plant located within the north eastern corner of the site. This is an underground unit, which would discharge fully treated water, in accordance with current standards, through an existing outlet.
- 1.4 The children's play area has not been amended. It is confirmed that this area is 250sqm in size, which, it is stated, "is as large as any village school's" and "As the park is aimed at over 50s....there will not be many young children in any event".
- 1.5 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.
- 1.6 The application site has been vacant for approximately 5 years.
- 1.7 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.
- 1.8 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.

- 1.9 The proposed lodges are timber clad or Canoxel (compressed woodchip and resin) in muted colours with dark colour tile effect roofs in a range of models.
- 1.10 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.
- 1.11 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.
- 1.12 No on-site facilities such as a shop, restaurant or bar are proposed and 5 jobs are proposed to be created.
- 1.13 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 positioned within the north eastern corner of the site.
- 1.14 An electricity substation is proposed within the site with an underground supply providing electricity for the units. Existing overhead lines could therefore be removed.
- 1.15 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.
- 1.16 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; Granted 12 December 2011 subject to a condition that no more than 11 lodge style caravans would be on the land at any time. The condition was imposed in limit the visual impact of the development on the landscape and in response to concerns about the safety of the access to the highway.
- 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 July 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 34 - 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; Withdrawn 8 April 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy 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 Highway Authority - conditions recommended requiring the provision of a visibility splay of 215m in both directions.

Following the deferral of the application, further advice has been received as follows:

- A point was marked at 2.4m back from the edge of the carriageway measured along the centreline of the existing access. The 2.4m represents the typical distance between the driver and the front of a vehicle waiting to join a main carriageway. Two wooden ranging rods with horizontal pieces set at a height of 1.05m were then used to establish the visibility splay to the east from this point. The 1.05m represents both the driver's eye height and the object height above ground level. The maximum distance along the carriageway edge and the point marked at the access at which both tops of the ranging rods could be seen. This distance was measured to establish the visibility splay in that direction which was 231m.
- The splay is outside the red line and is over the highway verge. The visibility condition is recommended to ensure that the vegetation local to the access is maintained so the visibility splays remained clear from outgrowing vegetation.
- A review of the highway recommendation was undertaken to ensure that the visibility measurement was measured in accordance with the current guidance. The visibility splays were measured and found to be within the recommended splays found within the Design Manual for Roads and Bridges. On review, it seemed that a lower height of 0.6m was used which gave a lower visibility splay. This object height is normally used in urban areas rather than rural areas. The current visibility is in line with the standards.
- With regard to a previous concern expressed by the Authority, that vehicles waiting in the carriageway to turn right into the site would cause interference with

the free flow of traffic and be a consequent danger to highway users, it is the visibility which is important here. The safety issue was the intensification of use with reduced visibility. Now having re-measured, our position is that the visibility is acceptable in line with Design Manual for Roads and Bridges.

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

- Development will bring growth to the area
- Any new business brings more money into Thirsk
- Development will bring tourists into the town
- Thirsk is a tourist town and development would help us to develop our businesses
- Thirsk needs all new businesses to be able to prosper
- It would create employment for local people
- 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.

13

08/04984/DCN

Proposed discharge of conditions attached to application 08/04984/FUL - Siting of 4 132m high wind turbines, associated works and a new vehicular access at OS Fields 0058, 6375, 4300 and 0001, land South of A684, Northallerton for Infinis Energy Services Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is for the discharge of conditions attached to planning permission 08/04984/FUL, granted on 10 December 2010, for the siting of four wind turbines, associated works and a new vehicular access. The application was granted with a five year commencement period which expires on 10 December 2015.
- 1.2 The decision notice relative to the approval of the scheme included a number of conditions which required details to be submitted to the Local Planning Authority for clearance prior to the commencement of development on the site. The decision notice included a number of other conditions with later trigger points. These included clearance of conditions relating to matters such as aviation radar which required clearance prior to the construction of a wind turbine rather than prior to the commencement of development.
- 1.3 An application submitted to modify conditions attached to the original permission has now been withdrawn and this application submitted to discharge conditions on the existing permission.
- 1.4 Applications for the discharge of conditions are not normally brought to Planning Committee. However, in this instance due to the level of local interest in the project and a request by the Ward Member, the application is being brought to Planning Committee.
- 1.5 It should be noted that unlike most applications before Committee, Members are able to approve or refuse the details submitted under each condition as opposed to making a single overall decision. As such, decision notices can be issued to approve or refuse all, none or some of the submissions. Additionally it should be noted that whilst certain conditions require information to be submitted, this in itself does not discharge the condition which still allows for an element of monitoring or further information to be submitted and implementation of what is approved.
- 1.6 The following conditions require approval of details prior to the commencement of development and are the subject of this application:
 - Condition 6 - Details of the location and design of the connection building
 - Condition 10 - Detection and mitigation of blade icing
 - Condition 11 - Surface water drainage
 - Condition 12 - Archaeology
 - Condition 13 - Soft landscaping
 - Condition 14 - Fuel and chemical storage
 - Condition 19 - Shadow flicker

- Condition 23 - Noise monitoring
- Condition 24 - Habitat management and enhancement plan
- Condition 25 - Ecological Clerk of Works appointment
- Condition 27 - Access construction
- Condition 30 - Prevention of mud on road
- Condition 32. Highway structure survey
- Condition 33 - Site compound and parking
- Condition 34 - Traffic management details

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/04984/FUL - siting of 4 132m high wind turbines, associated works and a new vehicular access; Granted 10 December 2010.
- 2.2 15/00678/MRC - variation of conditions 6, 10, 19, 23 & 32 of permission 08/04984/FUL to allow later submission of details and alternative wording of conditions 9 & 14; Withdrawn 3 September 2015.

3.0 RELEVANT PLANNING POLICIES

Core Strategy Policy CP1 - Sustainable development
 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 CP18 - Prudent use of natural resources
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP34 - Sustainable energy
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP42 - Hazardous and environmentally sensitive operations
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 An application to discharge conditions is not subject to the same consultation arrangements as an ordinary planning application. Conditions are used to allow the submission of further details following the grant of planning permission and often concern technical requirements requiring input from other agencies. Due to the level of interest in the proposed development the Parish Council has been consulted in addition to technical consultees.
- 4.2 Osmotherley Parish Council - The full conditions to the consent following the Planning meeting which approved the original application are the work of the Planning Officers and not directly of those elected to represent the public at large.

There is still considerable disquiet among the community and in particular those who will be directly affected should these turbines be erected as per the 2010 consent. The

objections listed remain as before and the PC wish to see a fair and open discussion held to ensure that these concerns are listened to and are addressed in a manner which would satisfy those affected. As well as the visual intrusion there are the health issues of some vulnerable residents, the environmental impact and also the need to address shadow flicker and noise as well as the concern over radar mitigation. These last three points in particular can only be determined when the design of the turbine blades has been finalised and current information indicates that the developers have yet to determine what design may be suitable and that they may not even be in a position to give this information until mid-2016 at the earliest following failed trials in the past.

Due to the considerable number of objectors it would appear appropriate that this proposal to discharge the conditions should be heard by the full Planning Committee who should have the opportunity to assess all of these conditions one at a time and that no delegated approval should be considered prior to this meeting and with an open recommendation from Officers to all Members. The conditions were imposed as a consequence of Councillors concerns and it therefore should fall to them to determine that all safeguards have been properly addressed and put in place prior to any commencement of work.

4.3 Environment Agency – comments awaited.

4.4 Environmental Health Officer – I have reviewed the submitted noise monitoring programme and would confirm that it refers to relevant guidance and acknowledges that best practice in the measurement of wind speed has changed since determination of the original permission. I have found no guidance or information which would support requiring the permitted noise levels (determined by reference to measured wind speed at 10m) to be compared with levels attributable to wind speeds measured at hub height and standardised to 10m. As such, whilst it must be acknowledged that best practice is not being used and this is likely to have an impact on the determination of noise levels, the noise monitoring programme submitted would allow discharge of condition 23.

4.5 Natural England - You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. Natural England currently has no further comment.

5.0 OBSERVATIONS

5.1 The application is to discharge conditions attached to consent 08/04984/FUL. The conditions are dealt with in turn as set out below including the wording for each condition, followed by a commentary on the submission.

5.2 Whilst the wider concerns about the project articulated by the Parish Council are noted, it is important to note that the application is limited to the consideration of details required by conditions, not the desirability of the development overall or even the appropriateness of the condition in question. As noted when application 15/00678/MRC was under consideration, advances in the available technology and understanding of the planning issues might suggest that different conditions would be imposed now; however, there is no opportunity to revisit the 2010 decision and

approval of the submitted details should only be withheld if they are not considered to adequately fulfil the purpose of the relevant condition imposed then.

- 5.3 **Condition 6** - *Prior to the commencement of development, the applicant will provide full details of the location and design of the connection building and any other associated works, including details of external surface coverings and roofing materials, for the written approval of the local planning authority. The connection building shall be constructed in accordance with these approved details.*
- 5.4 Plans for the location and appearance of the connection building have been submitted. This is a relatively basic utility building, proposed to be finished in stone with tiled roof and located centrally within the site. The proposed building measures 21m in length by 7m in width and 7m in height. The design of the building is relatively basic in form in the idiom of a traditional agricultural building with utilitarian openings.
- 5.5 The design, form and materials proposed are considered to be acceptable in the context of the proposed development and the wider rural character of the area. The proposed building is not considered to be harmful to the landscape character of the area and the submitted details are therefore considered acceptable.
- 5.6 **Condition 10** - *Before the development hereby approved is commenced, details of a scheme for the detection and mitigation of blade icing shall be submitted to and approved in writing by the local planning authority. The measures set out in the approved scheme shall be followed at all times.*
- 5.7 This condition is to ensure that ice forming on the blades of the turbines is not flung off with associated risk to life. A third party consultant has been engaged by the Local Planning Authority in order to assess the submitted Blade Icing Assessment. The consultant advises that the proposed mitigation measures are in line with industry standards and will adequately address the safety issues raised by potential blade icing. The submitted details are therefore considered satisfactory.
- 5.8 **Condition 11** - *No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system, including a means of attenuation to no more than existing discharge rates, has been approved by the local planning authority. The scheme shall include details of how surface water run off shall be prevented from entering the highway and long term management responsibilities. The scheme shall be implemented before the construction of impermeable surfaces which are to drain into the approved drainage system unless otherwise agreed in writing by the local planning authority.*
- 5.9 The advice of the Environment Agency is awaited and will be reported to the meeting.
- 5.10 **Condition 12** - *Prior to the commencement of the development hereby approved, a phased programme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ unless otherwise approved in writing by the local planning authority.*
- 5.11 The County Archaeologist has assessed the submitted written scheme of investigation and has advised that it meets the required standards for the proposed development. The submitted details are therefore considered satisfactory.

- 5.12 **Condition 13** - *Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details including the species, numbers and locations of planting, timescales for implementation and a maintenance schedule. The development shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the local planning authority.*
- 5.13 The applicant has submitted Landscape Management Plan (LMP) which sets out the details of the proposed soft landscaping, including plant species, their number and the method of planting that would be implemented. The LMP also sets out measures for maintenance and aftercare of the planting scheme and management measures for grassland enhancement. The Report is accompanied by a Landscape Planting and Management Plan which shows areas of planting and areas where management measures would be implemented. The LMP should be read in conjunction with the Bullamoor Wind Farm Ecological Management Plan (EMP).
- 5.14 The LMP notes that sections of hedges that need to be removed during the construction phase to allow access will be re-instated on completion of development. New species rich hedging will be established on site in accordance with the LMP technical appendix A6, which identifies existing hedge mixes on the site and seeks to replicate those mixes in order to protect the character of the area and provide a diverse habitat from hedges with nut and fruit bearing species which would provide a food source for birds, small mammals and invertebrates. In total 470 linear metres of new hedging would be created, up to 346m of new hedge planting to fill gaps in the existing hedges will be undertaken and 14 new hedge trees of various sizes planted.
- 5.15 Proposed grassland enhancement would allow the establishment of a tussock grass habitat which is low maintenance and can form a good habitat for insects, small mammals, birds, amphibians and reptiles.
- 5.16 The LMP sets out a method statement for the establishment and maintenance of the proposed elements of soft landscaping for the site. It is considered to fulfil the requirements of the condition in terms of providing a suitable landscaping scheme and the submitted details are therefore considered satisfactory.
- 5.17 **Condition 14** - *Any facilities for the storage of oils, fuels or chemicals shall be operated in accordance with current Environment Agency guidance. Prior to the commencement of development details of the location and design of such storage facilities shall be submitted to and approved in writing by the local planning authority, and shall thereafter be operated in accordance with the approved details.*
- 5.18 The applicant has submitted a statement and plans detailing pollution controls for the development. It is important to note that the condition only requires submission of details of the location and design of the storage facilities, not their operation, which is determined by EA guidance. The submitted details indicate that storage would be within a centrally located compound approximately 750m south of Winton Manor Farm and approximately 100m from the nearest watercourse, which is considered appropriate in conjunction with proper observation of EA guidance as the condition requires. The submitted details are therefore considered satisfactory.
- 5.19 **Condition 19** - *Prior to the commencement of the development hereby permitted, a scheme to satisfactorily alleviate the incidence of 'shadow flicker' at any affected premises shall be submitted to and approved by the local planning authority. That scheme shall include details of the siting of photocells and the measures to control, re-*

orientate or shut down particular turbines during the conditions when shadow flicker could occur. Unless otherwise approved in writing, any turbine producing 'shadow flicker effects' at any dwelling shall be shut down and the blades remain stationary until the conditions causing those 'shadow flicker effects' have passed. The scheme shall be implemented as approved.

- 5.20 An expert consultant in the field of shadow flicker has been engaged to assess the submitted report and mitigation strategy. Following discussions about the specifics of the mitigation measures proposed a revised strategy has been submitted, which the consultant advises is satisfactory. In essence, the mitigation strategy seeks to shut down turbines at any time of day in conditions when shadow flicker is likely to occur. This would be additionally safeguarded by a review and improve mechanism should the mitigation strategy become outdated as technology advances. This mechanism essentially allows for any issues with shadow flicker to be addressed by altering the times that turbines which cause nuisance through flicker are switched off. The submitted details are therefore considered satisfactory on the basis of the consultant's advice.
- 5.21 **Condition 23** - *Prior to the development commencing, a noise monitoring programme shall be submitted to and approved in writing by the local planning authority. The noise monitoring programme shall cover the operation of the development to verify that the noise criteria in condition 20 are being met. This programme shall specify the locations, from which noise will be measured, the frequency of monitoring, the equipment details and the sampling techniques/methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the local planning authority immediately following its completion. Should the results indicate that further monitoring or a revision of the approved noise monitoring programme is required, the wind farm operator shall undertake to carry this out.*
- 5.22 The Environmental Health Officer has advised that whilst the submitted details are not best practice, the submitted noise monitoring programme is adequate. The submitted details are therefore considered satisfactory.
- 5.23 **Condition 24** - *Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted in consultation with Natural England and submitted to and approved in writing by the local planning authority. The habitat management and enhancement plan will consider the following issues:*
- *great crested newt monitoring and enhancement measures;*
 - *pre-construction badger surveys;*
 - *provision for bat roost tree surveys if tree removal is unavoidable;*
 - *hedgerow enhancement and re-instatement within the site;*
 - *safeguarding of breeding birds during construction and decommissioning; and*
 - *minimisation of impacts to valuable habitats.*

Thereafter, the approved scheme shall be implemented to the satisfaction of the local planning authority.

- 5.24 The applicant has identified protected species from the Environmental Statement and carried out additional survey work in 2014 to identify any changes to the habitats and species distributions found. Natural England has been consulted on this condition and has referred to its published Standing Advice on protected species. The submitted details are therefore considered satisfactory on the basis of Natural England's advice.

- 5.25 The applicant has also highlighted areas where a licence will be required from Natural England to carry out the proposed works. The licence regime is separate from planning but provides additional assurance that the ecological impact of the development will be satisfactorily managed.
- 5.26 **Condition 25** - *Prior to development commencing the applicant will appoint an independent ecological clerk of works/environmental manager, approved by the local planning authority. The terms of this appointment should be submitted for the approval of the local planning authority and shall include that the appointment shall be for the period of the wind farm construction and for the subsequent restoration of the site after construction, and again from the commencement of decommissioning until the completion of the restoration of those parts of the site to be restored in accordance with the conditions of this consent; and that she or he will have sufficient authority on and off-site to oversee and identify action, including any temporary stoppage of works, to ensure natural heritage interests are safeguarded.*
- 5.27 The applicant has advised that Arcus Consultancy Services will provide Ecological Clerk of Works (ECoW) support for the proposed development throughout the period of wind farm construction and for subsequent restoration of the site after construction. All of Arcus' ecologists are members of the Chartered Institute of Ecology and Environmental Management and hold relevant survey licences and have ECoW experience. Based on current Arcus staffing, Dr Mike Gray, Principal Ecologist, will oversee the ECoW projects and support Arcus' ECoW with their on-site role, as well as attending site (as required) when ECoW work is taking place. Dr Gray has provided ECoW services for small and large-scale wind energy developments as well as other major developments (road, construction, mining restoration) and is therefore suitably qualified to oversee the work
- 5.28 This appointment will continue through to decommissioning and completion of restoration. However, as that is some considerable time into the future, should for any reason the ECoW need to be changed the operator agrees to notify the Council of any change that occurs at the relevant time. The terms of the condition allow for the LPA to assess whether or not the change is acceptable. The submitted details are therefore considered satisfactory.
- 5.29 **Condition 27** - *Notwithstanding the submitted details included in the application there shall be full location and construction details of the proposed accesses submitted to the local planning authority. Such details shall be approved and shall then be implemented in accordance with the approved details before any work commences on the proposed turbine project. 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. Once the construction phase of the project has been completed the accesses shall be returned to their original condition unless otherwise agreed with the local planning authority.*
- 5.30 The applicant has submitted a statement and plans showing site access widths and visibility splays. The Highway Authority has been consulted and its advice will be reported to the meeting.
- 5.31 **Condition 30** - *There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. These facilities shall include the provision of wheel washing facilities where considered*

necessary by the local planning authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the local planning authority agrees in writing to their withdrawal.

5.32 The Highway Authority has been consulted and its advice will be reported to the meeting.

5.33 **Condition 31** - *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. Details shall be submitted to the local planning authority to ensure that any damage that is caused by the vehicles associated with the project is rectified at the expense of the developer within a reasonable timescale prescribed by the local planning authority. Once the details are agreed they shall be adhered to during the construction phase of the project, and*

Condition 32 - *Before the development commences a highway structure survey shall be undertaken to ensure that any highway structures (bridges, culverts etc.), any structures belonging to other bodies or any buried services will not be adversely affected by the abnormal loads that will be required to service the development. The survey shall record the current condition of any highway structures under the construction route. The survey and any measures that are required to protect any structures or services shall be submitted to and agreed with the local planning authority. Any measures that are required shall be implemented before the development commences.*

5.34 The applicant has submitted an engineering statement detailing survey details of highway condition and underground services. The Highway Authority has been consulted and its advice will be reported to the meeting.

5.35 **Condition 33** - *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, visitors and sub-contractors vehicles clear of the public highway*
- (ii) On-site materials storage area capable of accommodating all materials required for the operation of the site.*
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.*

5.36 The proposed details are set out in the engineering statement and the Highway Authority's advice on this will be reported to the meeting.

5.37 **Condition 34** - *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 and all necessary traffic management measures to be used by the abnormal loads and the 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.

- 5.38 A Traffic Management Plan has been submitted and the Highway Authority's advice on this will be reported to the meeting.

6.0 SUMMARY AND RECOMMENDATIONS

- 6.1 As indicated, the consideration of this application is not a simple matter of an approval or refusal as a whole, because the information provided for each condition must be taken on its merit and a decision made on that particular condition.

- 6.2 In respect of the following conditions where appropriate consultee and expert advice has been received:

- 6 (location and design of the connection building and any other associated works);
- 10 (detection and mitigation of blade icing);
- 12 (programme of archaeological work);
- 13 (soft landscaping);
- 14 (location and design of oils, fuels or chemicals storage facilities);
- 19 (alleviation of shadow flicker);
- 23 (noise monitoring programme);
- 24 (habitat management and enhancement plan); and
- 25 (ecological clerk of works/environmental manager)

It is recommended that the submitted details are **APPROVED**

- 6.2 In respect of condition 11 (surface water drainage system) it is recommended that the submitted details are **APPROVED** subject to the receipt of the Environment Agency's favourable advice.

- 6.3 In respect of the following conditions:

- 27 (construction details of the proposed accesses);
- 30 (precautions to prevent the deposit of mud, grit and dirt on public highways);
- 31 (survey recording the condition of the existing highway);
- 32 (highway structure survey);
- 33 (on-site parking and materials storage areas); and
- 34 (routes and traffic management measures for abnormal loads and HCV construction traffic)

It is recommended that the submitted details are **APPROVED** subject to the receipt of the Highway Authority's favourable advice.

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