

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 12 November 2015 (P.15 - P.16), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

5 - 92

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 9.30 am on Thursday, 12th November, 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	A W Hall	Councillor	B Phillips
	D Hugill		M S Robson
	Ms C Palmer		

P.15 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 15 October 2015 (P.13 - P.14), previously circulated, be signed as a correct record.

P.16 **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) Hybrid planning application for:
 1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
 2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)

at Land to the East of Darlington Road, West of Stokesley Road and North of Thurston Road Industrial Estate, Northallerton for Mulberry Homes, Taylor Wimpey, Persimmon Homes and G, B, E & I Gill

That PLANNING PERMISSION IS GRANTED for both the Outline and Full proposals subject to:-

- 1) Authority being delegated to the Executive Director, in consultation with the Chairman of Planning Committee to agree the terms of a Section 106 Agreement that shall include the following key points:
 - Securing the provision of up to 15% affordable housing subject to deductions for any necessary developer contributions.
 - Requiring full, independently assessed, viability assessments undertaken for all residential phases beyond Phase 1, to inform the percentage of affordable housing deliverable as part of that phase.
 - Securing the tenure of the affordable homes on all phases.
 - Securing the timing of the completion of the link road and bridge in the early stages of the Phase 1 development and its transfer to NYCC Highways.
 - Securing the transfer and timing of the transfer of the provision of land within the site for a primary school.
 - Securing the transfer and timing of the transfer of land for the sports village, allotments, and associated landscape buffers.

- Securing the provision and implementation of Travel Plans for each of the various uses.
 - Securing a mechanism for the future maintenance of landscaped areas (excepting the sports village and allotments).
- 2) In the event that the timing of the completion and transfer to NYCC of the link road and bridge and the timing of the transfer of the land for the primary school to NYCC cannot be secured by means of a Section 106 Agreement, authority being delegated to the Executive Director, in consultation with the Chairman of the Planning Committee, to impose appropriate planning conditions to achieve the delivery of the above infrastructure within the early stages of the phase 1 development.

(The applicant's agent, Richard Irving, spoke in support of the application).

(Hubert Van Huet spoke on behalf of Brompton Parish Council objecting to the application.)

(Mr Andrew Gatenby and Mrs Rachel Connolly spoke objecting to the application.)

The Chairman adjourned the meeting at 11.10am and the meeting reconvened at 1.30pm.

Councillor Mrs J Watson left the meeting after the morning session at 11.10am and did not return.

Councillor S Watson arrived at the meeting for the afternoon session at 1.30pm.

- (2) 15/01324/FUL - Construction of dwellinghouse at Dalton Lane, Dalton for Mr J Binks

PERMISSION GRANTED subject to additional agricultural occupancy condition.

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

- (3) 14/02285/FUL - Construction of 116 dwellings with associated access, open spaces and landscaping as amended by details received 30 June 2015 at Land to the east of Kellbalk Lane, Easingwold for Persimmon Homes (Yorkshire) Ltd

PERMISSION GRANTED

(The applicant, Robin McGinn, spoke in support of the application.)

- (4) 15/01838/OUT - Outline consent for single detached dwelling at Land adjacent to the Cat and Bagpipes Inn, East Harlsey for Mr S Barr

PERMISSION GRANTED

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

(Phillip Nash spoke objecting to the application.)

- (5) 15/01542/OUT - Outline planning application for construction of one two storey dwellinghouse as amended by email received on 23 September 2015 at Land to the South of Willow Garth, Newby Wiske for Mr D Marwood

PERMISSION GRANTED

- (6) 15/01823/FUL - Construction of detached dwellinghouse and double garage at Land at the Old Orchard, Cooper Lane Potto for Mr J Graham

PERMISSION GRANTED

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

(James Bassington spoke objecting to the application.)

- (7) 15/01897/OUT - Demolition of existing band room and construction of 4 dwellings at The Band Room, Romanby Road, Northallerton for Northallerton Silver Band

DEFER to seek a reduction in scale.

(Marilyn Tyreman spoke objecting to the application.)

- (8) 15/01446/FUL - Construction of detached three bedroom two storey dwelling with attached garage to include access and means of enclosure at Montrose, Main Street, Sessay for Mr and Mrs Algje

PERMISSION GRANTED

- (9) 15/01943/REM - Application for Reserved Matters for the construction of 178 dwellings at White House Farm, Stokesley for Taylor Wimpey (North Yorkshire) Ltd

PERMISSION GRANTED

(The applicant, Russell Hall, spoke in support of the application.)

(Michael Cannavan spoke on behalf of Stokesley Parish Council objecting to the application.)

(Malcolm Smallwood spoke objecting to the application.)

- (10) 15/02139/FUL - Construction of a detached dwelling-house with domestic garage at Bankside Farm, East Harlsey for Mr & Mrs John Newcombe

PERMISSION GRANTED

(The applicant, Mrs Newcombe, spoke in support of the application.)

(Peter Gardner spoke on behalf of East Harlsey Parish Council objecting to the application.)

The meeting closed at 4.00 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 10 December 2015. The meeting will commence at 9.30am.

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 10th December 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/02061/OUT Mr R Greig Bagby & Thorntons Page no. 9	Construction of a single dwelling For: Mr & Mrs J Appleton At: Hall Garth, Fanny Lane, Knayton RECOMMENDATION: GRANT
2	15/00006/FUL Mr P Jones Bedale Page no. 17	Construction of 81 no dwellings For: Persimmon Homes At: Lyngarth Farm, Bedale RECOMMENDATION: GRANT
3	15/02403/FUL Mr T Wood Dalton Page no. 31	Proposed demolition of existing bridge and construction of new bridge and highway over Cod Beck For: Hambleton District Council At: Dalton Bridge, Dalton RECOMMENDATION: GRANT
4	15/01554/FUL Mrs H Conti Dalton Page no. 39	Retrospective planning application for retention of a static caravan on car park For: Mrs J Cooper At: Ye Jolly Farmers, Dalton RECOMMENDATION: GRANT
5	15/02034/FUL & 15/02035/LBC Mrs S Leeming Felixkirk Page no. 43	Proposed alterations and extension and change of use of Village Hall to dwelling For: Felixkirk C of E Parochial Parish Council, Diocese of York At: Felixkirk Church Hall, Felixkirk RECOMMENDATION: GRANT
6	15/01656/FUL Mrs H Laws Hackforth Page no. 49	Proposed construction of 4 new dwellings and associated access road and parking For: Newroc Ltd At: Land adjacent 4 - 5 Brookside, Hackforth RECOMMENDATION: GRANT
7	15/02538/PND Mr P Jones Northallerton Page no. 59	Prior notification for the demolition for the unlisted parts of former prison and boundary wall For: Hambleton District Council At: H M Prison Northallerton, East Road, Northallerton RECOMMENDATION: PRIOR APPROVAL GRANTED

<p>8</p>	<p>15/00905/OUT Mrs H Laws Pickhill with Roxby</p> <p>Page no. 67</p>	<p>Outline planning permission for the construction of 8 dwellings (considering access)</p> <p>For: Mr Peter Barningham At: Chapel Farm, Pickhill</p> <p>RECOMMENDATION: GRANT</p>
<p>9</p>	<p>15/01327/FUL Mrs B Robinson Seamer</p> <p>Page no. 77</p>	<p>Construction of an access track</p> <p>For: Mr Adam Holloway At: Land to south of Tame Bridge, Stokesley</p> <p>RECOMMENDATION: REFUSE</p>
<p>10</p>	<p>15/02243/REM Mr T Wood Sowerby</p> <p>Page no. 81</p>	<p>Reserved Matters Application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 98 homes and associated infrastructure.</p> <p>For: Linden Homes North At: Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby</p> <p>RECOMMENDATION: GRANT</p>
<p>11</p>	<p>15/02389/REM Mr T Wood Sowerby</p> <p>Page no. 87</p>	<p>Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 44 homes and associated infrastructure</p> <p>For: Taylor Wimpey At: Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby</p> <p>RECOMMENDATION: GRANT</p>

Parish: Knayton with Brawith
Ward: Bagby & Thorntons
1

Committee Date: 10 December 2015
Officer dealing: Mr R Greig
Target Date: 6 November 2015

15/02061/OUT

**Construction of a single dwelling
at Hall Garth, Fanny Lane, Knayton
for Mr & Mrs J Appleton**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is situated to the east of Fanny Lane on the eastern edge of Knayton. The location of the site is such that it overlaps the designated Developments Limits of this settlement and also lies, in part, within the designated Conservation Area. The site is not recorded to be at risk of flooding.
- 1.2 The site comprises an irregular shaped area of land located to the south of Hall Garth, accessed to the west via the private lane which serves both Hall Garth and the adjacent dwelling, "The Chevens". The site is bounded from neighbouring residential plots to the west by solid masonry walls and to the north, south and east by a mix of mature landscaping and open boarded timber fencing.
- 1.3 This application seeks outline planning permission for the construction of a single dwelling with all matters reserved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/088/0096A - Conversion of an agricultural building to one dwelling and to construct one further dwelling; refused 15 November 1991 and allowed on appeal 26 June 1992.
- 2.2 2/93/088/0096B - Construction of a detached bungalow; granted 14 July 1993.
- 2.3 2/96/088/0096C - Construction of a detached dwellinghouse (the aforementioned "Hall Garth" dwelling) and conversion of existing disused agricultural building to a domestic garage; granted 28 January 1997 following completion of a planning obligation preventing the implementation of permissions 2/91/088/0096A and 2/93/088/0096B or construction of any dwelling on the land other than the one permitted.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains

4.0 OBSERVATIONS

4.1 Knayton Parish Council - Objects as summarised below:

- Contrary to Village Plan as over 50% of development lies outside of limits;
- Can be described as back building;
- Too little detail is given as to the size and height of the property;
- The original property was built after appeal;
- Hambleton DC cannot discuss this application whilst the Section 106 Agreement is live;
- The property lies within Conservation Area;
- Three properties would be served by the access; and
- Existing properties will lose their views.

4.2 Following the public consultation period, five letters of representation were received from four different parties, raising objections to the proposed development. Those comments are summarised as follows:

- Planning permission for Hall Garth was limited by a Section 106 Agreement;
- The proposal is outside of Development Limits;
- It represents an unacceptable overdevelopment of the site;
- Further property would cause loss of privacy and restrict views;
- The road in the village is narrow and heavily used;
- If granted this would represent a significant departure and relaxation of policy;
- Knayton is a small village with few amenities; and
- Effect on Listed Building and Conservation Area.

5.0 OBSERVATIONS

5.1 As highlighted above this submission is an outline planning application with all matters, inclusive of design, layout, scale, appearance and access are reserved for future consideration. The application therefore seeks to establish the principle of development only. In doing so, it is necessary to consider the legacy of the approval of application 2/96/088/0096C and then the merits of the current proposal.

The 1996 application

5.2 The planning history of this site is highlighted above. Application (2/96/088/0096C) was subject to consideration under a former local plan and concerns were raised as to whether it would be an undesirable intrusion in to the rural landscape. However, permission was granted following completion of a planning obligation in which the landowner covenanted not to implement previous approvals (2/91/088/0096A and 2/93/088/0096B) "or to construct any dwelling on the land other than the development (i.e. the dwelling subsequently permitted under 2/96/088/0096C.

5.3 The strong concerns voiced by third parties relating, in part, to the planning obligation are fully acknowledged. However, the obligation appears to go beyond the scope now allowed for planning obligations under Regulation 122 of the Community Infrastructure Levy Regulations 2010, which states that obligations must be:

- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

It is considered that the obligation associated with the 1996 application, dated 22 January 1997, would fail these more recent tests because:

- It cannot reasonably be said that an outright ban on future development is necessary in planning terms when those planning terms have to be reconsidered at that future stage, i.e. under the different policy framework now applying; and
- It cannot reasonably be said that a development proposed nearly 19 years later is directly related to the 1996 application.

- 5.4 Under the legislation and policy framework now applying it would be unreasonable for one planning decision to pre-judge another by taking away the right of any person to apply for planning permission. The Council must therefore consider the current application on its merits against current planning policy and any other material planning considerations.
- 5.5 If it is concluded that planning permission should otherwise be granted, it would be unreasonable, and open to challenge, for the Council to contradict its planning decision by reliance on a planning obligation from nearly 19 years before. Therefore if the obligation is viewed as an impediment to development that is considered acceptable now, it should be set aside.

The current proposal

- 5.5 The former local plan, used as the basis for the determination of the 1996 application has been replaced and the proposed development must be considered under the current LDF policies and with regard to the NPPF. The policy emphasis within the LDF is to concentrate development within defined Development Limits and the NPPF seeks to avoid the introduction of isolated homes in the countryside.
- 5.6 The Core Strategy has established a Settlement Hierarchy which provides a spatial guide to the location of development. The village of Knayton is defined as a Secondary Village within the Settlement Hierarchy. In this instance the application site extends beyond the eastern edge of the designated Development Limits of Knayton wherein Policy DP9 of the Development Policies will only permit development in exceptional circumstances, having regard to the provisions of Policy CP4. No exceptional circumstances have been highlighted in this instance. However, it must also be acknowledged that contrary to the remarks of the Parish Council, only part of the site is beyond Development Limits. Whilst no details of the siting of the proposed dwelling are included within this application, it is evident that a dwelling could be built on that part of the site within Development Limits, with only its garden extending beyond.
- 5.7 Notwithstanding the above it also necessary to pay careful consideration to the NPPF which promotes sustainable development, encouraging the provision of housing in rural areas where it will help to maintain the vitality of rural communities.
- 5.8 To maintain consistent interpretation of the NPPF and to bridge the gap between it and LDF policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in Rural Areas in April 2015. The IPG details how development in and around villages will be considered and has included an updated Settlement Hierarchy.
- 5.9 The approach to the consideration of new housing development depends in the first instance on the nature and number of services within the village where the development is

proposed. This is defined by the Settlement Hierarchy. Service Villages and Secondary Villages are considered to be sustainable settlements and Knayton is listed within the IPG as a Secondary Village. It is therefore recognised in policy terms as a sustainable location for development.

- 5.10 To draw support from the IPG, the development would need to meet a number of criteria, in that it would need to contribute towards achieving sustainable development by maintaining or enhancing the vitality of the local community and also achieve all of the following:
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.
- 5.11 Having given careful consideration to the above, it is noted that the site is partly contained within the designated Development Limits of Knayton, where development is permissible in principle under LDF policies. In turn the position of the site appears broadly consistent with the linear pattern of development to the village, which includes examples of dwellings set behind frontage development, as the proposed dwelling would be. However, as the site contains sufficient space for a dwelling to be built within Development Limits, the scheme is not necessarily reliant on the IPG.
- 5.11 The western part of the site, closest to Fanny Lane, is within the Knayton Conservation Area and it is therefore appropriate for the Council to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining this application. However, this part of the site would primarily be the existing access from Fanny Lane, which need not change. Therefore it is considered that the character and appearance of the Conservation Area can be maintained. The nearest listed buildings are on the opposite side of Fanny Lane and therefore it is not considered that any adverse impact would be caused to a heritage asset.
- 5.12 With the above in mind it is concluded, on balance, that the principle of development is acceptable in this instance, with all matters reserved for future consideration. As noted above, it may be necessary for the 1997 planning obligation to be set aside in order for the development to proceed.

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 two years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) three years from the date of this permission; ii) The expiration of one year from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot, (b) the siting, design and external appearance of the building(s), including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
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. 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 of 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.
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. 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 until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) tactile paving; (ii) vehicular, cycle, and pedestrian accesses; (iii) vehicular and cycle parking; (iv) vehicular turning arrangements; (v) manoeuvring arrangements; and (vi) loading and unloading arrangements. All works shall thereafter accord with the approved details unless otherwise agreed in writing by the Local Planning Authority and no part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been brought into use.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (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.

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 in accordance with LDF Policies CP16 and DP30.
5. To safeguard the character and appearance of the area and neighbour amenity in accordance with LDF Policies DP1, DP32 and DP33. Submission of these details is required prior to commencement in order to ensure that the height and appearance of the dwelling will be appropriate to the locality.
6. To ensure appropriate on site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4. These details are required prior to the commencement of development to ensure that road safety requirements are met.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety. These details are required prior to the commencement of development to ensure that road safety requirements are met.
8. 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.

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.

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Parish: Bedale

Ward: Bedale

2

Committee Date: 10 December 2015

Officer dealing: Mrs Clare Davies

Target Date:

15/00006/FUL

Construction of 81 dwelling houses with associated access, parking, open space and landscaping.

For Persimmon Homes (Teesside) Ltd.

At Lyngarth Farm, Bedale

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Planning permission was originally sought for the construction of 88 dwellings, associated access, open space and landscaping. However, the layout has been revised and permission is now sought for a total of 81 dwellings on a site 2.5 ha in area. A revised Design and Access Statement has been submitted.
- 1.2 The revised proposal would deliver a development of approximately 32 dwellings per hectare. 32 of the dwellings (39.5 %) are identified as affordable housing, with the balance of 49 dwellings would be for sale on the open market. The affordable dwellings are distributed through the site and are designed to appear indistinguishable from the market dwellings.
- 1.3 The proposed dwellings are predominantly two-storey in height with some incorporating accommodation in the roof space, providing a mix of 2, 3 and 4 bedroom dwellings. 8 bungalows have been included.
- 1.4 Proposed architectural details include: entrance canopies/porches, brick chimneys, decorative soldier courses. All dwellings would have private amenity space in the form of rear gardens and there would be space for refuse/recycling storage.
- 1.5 Access is proposed from South End.
- 1.6 The site presently consists of grassland, used for grazing and boundaries are made up of a mixture of fencing, hedgerows and trees. A mature tree is located adjacent to the western boundary and is considered to have a high public amenity value. A Public Right Of Way (PROW) runs along the southern boundary of the site.
- 1.7 The proposed development is located on the south-east edge of Bedale. The site forms part of the BH6 (Lyngarth Farm) Allocation. Policy BH6 states that the site (2.5 ha) is allocated for housing development subject to:
- i Development being at a density of approximately 30 dwellings per hectare, resulting in capacity of around 75 dwellings of which a target of 40% should be affordable;
 - ii Types and tenure of housing developed meeting latest evidence on local needs;
 - iii Contributions from the developer towards providing public open space, provision of footpath and cycleway links towards Bedale town centre, improvements to pedestrian access along Firby Road and, if required, additional drainage and sewerage infrastructure; and
 - iv Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.8 Surrounding the site are existing residential properties, open land and the sewage treatment works is located across South End Road.

- 1.9 The application has been screened under the Environmental Assessment Regulations 2011 and in the opinion of the Local Planning Authority does not constitute EIA development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None other than the allocation described above.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012

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

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing

Core Strategy Policy CP8 - Type, size and tenure of 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 DP13 - Achieving and maintaining the right mix of housing

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP15 - Promoting and maintaining affordable housing

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 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 DP43 - Flooding and floodplains

Affordable Housing Supplementary Planning Document, Adopted April 2015

Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011

Size Type and Tenure Supplementary Planning Document, Adopted September 2015

Sustainable Development Supplementary Planning Document, Adopted April 2015

4.0 CONSULTATIONS

Bedale Town Council

- 4.1 First response: The site is over-developed; numbers and density should be reduced. The 2.5 storey houses should be removed from the scheme as they are out of character with the general Bedale area. Parking provision is inadequate and must be addressed to prevent parking on roads. The narrowness of estate roads also needs to be addressed. The proposed access is dangerous and is too close to the existing 30mph sign. Pedestrian access should be provided in the form of an extension to the South End footpath. The local network will not be able to accommodate the additional traffic, in particular at the White Bear Junction and at Firby Road. Firby Road improvements to footpaths are required at the junction with Sussex Street. The Flood Risk Assessment is inaccurate and the site has historic drainage issues. Yorkshire Water must confirm the surface water run off approval and land drainage problems should be rectified and properly identify the course of the land drains, access points on the old and new site. Regardless of whether Aiskew is to have a new GP Surgery, the HDC Planning Dept should allocate a percentage of the CIL from the Lyngarth Development, to the development of Glebe Surgery. Apart for the increase in numbers, the role of the GP is about to increase; our elderly population is set to increase, so investment in Glebe Surgery is required.
- 4.2 Second response: Surface water and flooding issues have not been resolved; the 30mph sign near Broadlands should be removed to the southern end of the site to reduce traffic speed. Concerns are expressed regarding slow moving lorries exiting the site without any speed control from the southern approach road. The public footpath alongside the B6285 from South End that currently terminates opposite 110 South End should be extended as far as Broadlands. Clarity is required as to the number of affordable houses to be provided. Bungalows are required. Some of the designs were not appropriate to this area of Bedale as it is a key approach to the Town and the designs should be sympathetic to the houses in South End. Three floors high dwelling with large brick gables and 45 degree steep roofs, especially on the edge of the development were not appropriate or reflective of the rural design of Bedale. This is contrary to the LDF policy CP17 and DP32. The Police Architectural liaison officer has raised concerns regarding the POS and the proximity of the roads to the POS, we request this is looked at again as ultimately Bedale TC could be responsible for this area. The Council would also like to draw your attention to the comments they made in response to the original planning application which they do not believe have been fully addressed in the recently submitted amended application.

Practice Manager, Glebe House Surgery

- 4.3 Expresses concern that they are reaching capacity and that they will be unable to meet demand.

Highway Authority

- 4.4 First Response: The Transport Assessment is generally considered to be acceptable. Comments regarding the existing layout are as follows:
1. The extent of several of the shared surface areas is unclear and further details are necessary. Shared surfaces should maintain a continuous width of 6.5m along their full length.
 2. The site layout plan does not indicate if tactile paving is to be provided. It will be necessary to ensure that dropped kerbs and buff coloured tactile paving is provided.
 3. It is noted that the existing 30mph speed limit located to the north of the site on South End is to be extended south to encompass the proposed site access junction. However, this cannot be secured as part of the planning application and

visibility splays of 90m are requested that conform to NYCC standards, rather than the relaxed standards shown.

4. The layout of some of the parking courts does not appear to allow sufficient separation/spacing between spaces to allow vehicles to reverse and manoeuvre from spaces in parking courts.
5. It is noted from the Transport Assessment that South End varies in width in the vicinity of the site, however along the site frontage, the main carriageway should be a minimum of 5.5m in width.

Additional information is required, including:

1. Information in relation to the location of gulleys and drains for surface water discharge;
2. Cross-section or construction details are required in relation to the development footways, carriageway / shared surface areas and site access junction.

4.5 Second response: no objections subject to conditions.

NYCC Education

4.6 Contributions are required and £299,112 would be sought for primary education facilities as a result of this development. A developer contribution would not be sought for secondary school facilities at this time. Should the density of the site change we would be required to recalculate this figure based on pupil numbers available at the present time.

NYCC Historic Environment Team

4.7 The site has potential for archaeological deposits and a geophysical survey is required. Following the receipt of the geophysical report a condition is recommended to cover a scheme of archaeological mitigation and recording. Second response: Following further work undertaken by the applicant, no further action is required.

Environment Agency

4.8 The applicant states that surface water run-off will be disposed to public sewer, due to the likely poor permeability of ground conditions and there being no watercourses in the vicinity of the site. As such, all surface water drainage details must be agreed with Yorkshire Water before development commences.

Natural England

4.9 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. We have not assessed this application for the impact upon protected species. The application provides opportunities to incorporate features that will benefit wild life including bats or the installation of bird nest boxes and there are opportunities to enhance the character of the local landscape.

Environmental Health Scientific Officer

4.10 No objections to the scheme.

HDC Leisure Services

4.11 In principle we support the location of the Public Open Space. Children's play equipment is required. 3 or 4 pieces of play equipment on this site suitable for under

5's. The Town Council would be required to take on responsibility for the maintenance of the equipment and POS with a suitable fee to cover this agreed, or a management company. We would also look for an appropriate amount to be secured for off-site provision for young people in accordance with the Public Open Space, Sport and Recreation Action Plan for Bedale.

Yorkshire Water

- 4.12 The Flood Risk Assessment is not satisfactory. The report indicates that ground investigations have been carried out and prove ground conditions are not suitable for infiltration due to clay. The ground investigation report should be submitted for approval so that the next alternative route for surface water disposal can be discussed. Screening of the sewage treatment works is required. If the application is to be approved conditions should be attached.

Swale and Ure Internal Drainage Board (IDB)

- 4.13 This site lies outside the Board's district but naturally drains into it. Yorkshire Water will not accept highway drainage into the public sewer and a route should be found to the Bedale Beck, which is 110 m from the site frontage. The Flood Risk Assessment indicates storage below ground only to the 1 in 1 year storm event and this is not acceptable. No above ground surcharge should occur in a 1 in 30 year storm with exceedance above that catered for on site without increasing off site risk. The application should be refused or withdrawn until an acceptable drainage solution is presented.
- 4.14 Second response: Following further work on drainage no objections are raised.

Planning and Housing Manager

- 4.15 The developer is offering 40% affordable housing subject to viability. The Council will be seeking 70% social rent and 30% intermediate tenure spilt. Local space standards for affordable housing that align with the Nationally Described Space Standards, published in March 2015, should be met. The proposed mix of affordable homes is predominantly two and three bedroom homes. Advice from Broadacres Housing Association suggests that a higher proportion of two bedroom homes are needed, including some bungalows and that there may be some need for 1 bedroom quarter houses (not flats). Following early discussions with the developer the distribution of the affordable homes has been improved and is now acceptable. The developer needs to confirm a willingness to transfer the affordable homes to a Registered Provider at the Council's Transfer Price. In market terms a higher proportion of smaller homes is required and 10% market bungalows.

Neighbourhood Policing Team

- 4.16 Recommend the scheme be designed to Secured by Design Part 2. The Design and Access Statement (DAS) should state how crime is addressed. The POS should not be used for children's play; if it is, it should be fenced off; signage/litter bins and dog fouling bins are required; security during the construction phase is required.

Design and Maintenance Manager (drainage advice)

- 4.17 Positive resolution of the on-site drainage issues is required and the applicants are undertaking further work. An update will be reported to Committee.

Ramblers Association

4.18 No objection. The footpath width surface and enclosure should be specified.

Publicity

4.19 2 petitions of objection have been received, one with 47 names and one with 118.

4.20 23 individual objections have been received to date, including comments on different revisions to the scheme, some from the same people, summarised as follows:

- Loss of agricultural land, green field site and loss of Green Belt land;
- Incorrect allocation of the site;
- Too near to the sewage works, issues with odour;
- Site released too early;
- New housing is not needed;
- Over development, 88 houses are too many for the site;
- Poor design;
- Will have a negative impact upon crime;
- 2.5 storeys are out of character with the area and will over dominate neighbours;
- Lack of bungalows, the aging population is not catered for;
- Local facilities (schools and medical services) cannot cope with additional residents;
- Bedale will be less attractive to visitors;
- Access is dangerous and too near to the 30mph sign;
- Highway cannot cope with additional users;
- Highway capacity issues in the wider area;
- A footpath is required along the site frontage;
- Flood Risk Assessment is inaccurate, the site has historic drainage issues;
- Too near to the Flood Zone;
- Land drainage problems;
- Spoiling views;
- Devaluing property;
- Parking courts next to existing residents/general noise disturbance;
Too close to existing properties, should be decent buffer to existing properties;
- Impact upon residential amenity, houses would be overbearing and would overshadow neighbours;
- Loss of privacy;
- Disturbance during construction;
- Existing hedges/trees should be retained;
- Impact upon ecology including bats, owls and herons;
- New trees should not be planted near neighbours houses;
- Affordable housing not needed/should be grouped together;
- Lack of information, poor quality submission;
- Public consultation responses have not been followed up by Persimmon.

5.0 OBSERVATIONS

5.1 The principle of residential development on this site has been set through the LDF process. The LDF Core strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton, including the Bedale area. Following on from this the Allocations DPD identifies sites to meet and deliver the targets and objectives set out within the Core Strategy.

5.2 The site relates to the BH6 Lyngarth Farm, Bedale allocation and as such it is considered suitable for residential development, in principal, subject to provisions

detailed within paragraph 1.7 of this report. The site is not within the Green Belt as suggested by objectors.

5.3 The main planning issues to consider in the determination of this application are therefore matters relating to:

- The mix of new housing
- Design and density
- Highway matters and car parking
- Residential amenity
- Drainage and flood risk
- Sustainable construction
- Ecology
- Archaeology
- Public Open Space
- Affordable housing and viability
- Other contributions

The Mix of New Housing

5.4 The application proposes a mix of 2, 3 and 4 bedroom dwellings in short terraces, detached and semi-detached form. 45 dwellings would be a larger size having 3 and 4 bedrooms and 36 would have 2 bedrooms. 8 bungalows have been included in the revised scheme to meet the requirements of adopted Supplementary Guidance. The proposed mix is generally considered to meet the need for the range of family homes required in the locality and it includes 10% bungalows to meet the needs of older people.

5.5 In order to create an inclusive development the Council would not support the grouping of affordable units together. Affordable properties should be 'pepper potted' though the site amongst open market properties. An amended layout plan has been submitted which shows that the affordable dwellings would now be spread throughout the site, mostly in short runs. Confirmation has been sought as to whether the affordable properties would meet the minimum floor space requirement as set out by the SPD Affordable Housing. The applicant has confirmed that the affordable units will meet the Nationally described space standards but some of the open market units fall below the standard set out in the adopted SPD. This is a relatively marginal breach and facilitates the delivery of slightly more affordable housing as a result.

Design and Density

5.6 Policy DP32 states that the design of all development must be of the highest quality. Attention to the design quality of all development will be essential. Development must seek to achieve creative, innovative and sustainable design that take into account local character and settings and promote local identity and distinctiveness.

5.7 In terms of density, the minimum range of 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for the site involves an understanding of the characteristics of the area; the desirability of achieving high quality, well designed housing, the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.

5.8 The application site covers an area of 2.5 ha and the development of 81 dwellings gives a density of approximately 32% dwellings per hectare. This is broadly consistent with the aims of the BH6 allocation, which seeks some 75 dwellings at 30 dwellings per hectare.

- 5.9 The revised scheme achieves greater separation distances between properties and the addition of bungalows which avoid problems of overlooking and overshadowing and the space introduces some permeability into the site. Parking courts have now been removed. The revised layout is considered to be in keeping with the character and context of the local area. The revised drawings show defensible space around the properties and boundary treatments would be conditioned to address the issue of crime. The Public Open Space would be located in the middle of the site and would be overlooked by the proposed dwellings. A revised Design and Access Statement has been submitted addressing the potential for crime and a condition can be applied requiring the submission of details and implementation of crime prevention measures for the site.
- 5.10 The design of the house types (mainly two-storey) reflects the more traditional elements of Bedale's built environment and the palette of materials would reflect the local vernacular and the proposal would be acceptable in this respect. The Town Council has expressed concerns regarding the 2.5 storey houses, stating that they are not part of the Bedale vernacular, however they are located within the site and not on the main road frontage at South End and are thus considered not to have an impact on the character or appearance of the town overall. Chimneys have been added to frontage properties to add interest to the street scene and skyline. A condition can be imposed to secure precise details of external materials to ensure full integration.
- 5.11 Greater separation distances to the mature boundary tree in plot 14 would now be achieved. The majority of existing hedges, including that to the frontage, which screens the development, would be retained. A condition requiring boundary treatment details and tree protection measures should be applied.

Highway Matters

- 5.12 The scheme proposes an access from South End and objections have been raised by local residents with respect of the access and highway safety in general.
- 5.13 The Highway Authority is satisfied with the proposal in principle. The allocation was made on the understanding that South End could accommodate the traffic associated with a development of approximately this scale and it is considered that South End is capable of accommodating the traffic arising from the 81 dwellings now proposed. The location of the access is considered to be acceptable and visibility splays accord with requirements. The access has adequate room for both refuse vehicles and fire tenders to manoeuvre within the site as required.
- 5.14 In terms of amenity it is accepted that vehicle movements on South End will increase, but it is not considered that they would increase to such a level that they would have a significant detrimental impact upon the amenity of neighbouring residents. The request from the Town Council with regard to the 30mph speed limit sign has been passed to NYCC Highways and any further advice on this will be reported to Committee. The Highway Authority is otherwise satisfied that suitable visibility splays can be established to preserve highway safety, given the current position of the 30mph limit.
- 5.15 With respect to parking, each property would have its own off-street parking. A condition requiring the provision of the footpath along the frontage of the site should be applied to ensure accessibility. Suggested highway related conditions are to be forwarded by the Highway Authority and will be reported to Committee.

Residential Amenity

- 5.16 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.17 The Local Planning Authority advocates indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based on standards contained within time expired Supplementary Planning Guidance Note 3: Residential Infill. Whilst the guidance is time expired, SPG3 continues to be a useful tool for assessing the likely impact of proposed development upon residential amenity. Similar guidance relating to separation distances is contained within By Design. Notwithstanding the usefulness of these documents their standards should not be slavishly adhered to but appropriate judgement should be used on a case by case basis.
- 5.18 The amended proposal achieves an acceptable level of separation between the properties in line with the guidelines above and show all the properties with private amenity space (rear gardens).
- 5.19 The nearest neighbours are properties to the north-west and south-west boundaries of the site. Concern has been expressed by residents that the two storey properties would dominate the character and form of the area and impact detrimentally on residential amenity. The revised scheme introduces 8 bungalows to these boundaries and taking this into account with the separation distances achieved, it is not considered that significant adverse impacts would arise in terms of the properties being overbearing or overshadowing neighbours. The new dwellings would be positioned so that significant adverse loss of privacy, or overlooking to existing neighbours would not arise.
- 5.20 A neighbour near to plot 18 has requested that trees are not planted near to their house and this detail could be resolved with the submission of a detailed landscape plan which would be conditioned.
- 5.21 A sewage treatment plant is sited across the road, however, it is screened by mature plants and trees. The proposed properties would be set back within the site behind a wide margin (containing a number of telegraph poles), the frontage hedge would be retained and there are existing properties in close proximity. No objections have been raised by Environmental Health to the scheme and it is not considered that the amenity of future occupiers would be adversely affected in this regard.

Drainage & Flood Risk

- 5.22 A Flood Risk Assessment was submitted with the application. The site is located within Flood Zone 1 and as such the development should not suffer from river flooding.
- 5.23 Concerns have been raised by Yorkshire Water and the Town Council in respect of drainage and the submitted Flood Risk Assessment was not accepted by the Internal Drainage Board (IDB). Additional information has been sought in respect of surface water drainage. The applicants have been working with Yorkshire Water, the IDB and the Council's Drainage Engineer and NYCC SUDS Officer to positively resolve this issue and it is anticipated that the concerns will be satisfactorily addressed. Additional information on this will be reported to Committee.

Sustainable Construction

- 5.24 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues which will provide 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.25 It is noted that the government has adopted a “fabric first” approach, secured through the Building Regulations, and there is now no requirement to provide 10% on site renewable energy generation. The applicants have confirmed a fabric first approach and state that the dwellings will be thermally efficient for their life span.

Ecology

- 5.26 Policy DP31 of the LDF states that “Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation ... Support will be given ... to the enhancement and increase in number of sites and habitats of nature conservation value”.
- 5.27 An objection has been raised that the proposal would impact upon bats, owls and herons on the site. Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. An Environmental Survey was undertaken by Quants Environmental Ltd. The report makes further recommendations for environmental enhancement of the site including the installation of bat bricks and bird boxes.
- 5.28 In light of the findings of the Environmental Survey a condition is recommended to secure the implementation of the ecological enhancements proposed.

Archaeology

- 5.29 Policy DP29 states that the preservation or enhancement of archaeological remains and their settings will be supported, taking account of the significance of the remains.
- 5.30 The site has been identified as having archaeological potential and the NYCC Historic Environment Team requested a geophysical survey of the site. The applicants have undertaken further investigation and the NYCC Historic Environment Team confirm that the findings demonstrate that the archaeological potential of the site is low and that no further works are required. Policy DP29 is therefore satisfied.

Public Open Space

- 5.31 Policy DP37 requires new housing developments to contribute to the achievement of local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children’s play and for young people.
- 5.32 Under the SPD 3,590 sq. m of public amenity space would be required for this scheme with an equipped children’s play area. Some 3,387 sq. m of open space is to be provided for amenity purposes, falling below the requirements of SPD by 203 sq. m, however this shortfall can be made up via a commuted sum of £2,597.28, to be spent on a specific project in Bedale as identified in the Public Open Space, Sport and Recreation Action Plan for Bedale and which would directly address the recreational needs of the occupiers of the proposed housing.
- 5.33 The main area of Public Open Space in the middle of the site is well located, suitably overlooked and contains an equipped play area as required by the SPD. A

management company (not the Town Council) would be set up to maintain the on-site open space.

- 5.34 Also, in line with the SPD, £14,869.78 is to be provided for young people's open space through a local project specifically outlined by the Public Open Space, Sport and Recreation Action Plan for Bedale. Again, this would directly address the recreational needs of the occupiers of the proposed dwellings.
- 5.35 Taking all of the foregoing into consideration, the proposal therefore is considered to meet the requirements of Policy DP37 and the SPD.

Affordable Housing and Viability

- 5.36 Policy CP9 seeks to ensure that affordable housing is provided which is accessible to those unable to compete in the general housing market. For Bedale and its hinterland a provision of 40% is sought. Policy BH6 reinforces this requirement subject to viability.
- 5.37 The applicant has proposed an affordable housing level of 39.5% (32 dwellings) and the affordable properties would now be spread throughout the site. The applicant has agreed to the required tenure split (70% social housing and 30% intermediate). Additionally the applicant has confirmed that the affordable units meet the space standards of the adopted SPD.

Other Contributions

- 5.38 Policy BH6 identifies the need for contributions from the developer towards providing improvements to education and local healthcare facilities and it is noted that NYCC Education have requested a contribution. Policy BH6 also outlines contributions being required to improve access to Firby Road. However, specific payments for education, health and other off site contributions not directly required to make the development acceptable are now replaced by the CIL charge to the developer. The CIL charge would be £364,485 and subject to the relevant infrastructure being included in the list of projects eligible for CIL funding, this can be secured.

Other Issues

- 5.39 Loss of views have been raised by neighbours, but as there is no right to a private view in planning terms, it is not possible to justify a reason for refusal on that basis. The disturbance during construction would be temporary and would not justify a reason for refusal, although conditions can be imposed on working hours and on the location of the site compound in order to reduce the impact of the construction works. Other issues raised, including lack of developer response to the public consultation and loss of property values, are not material to the planning application considered.

Conclusions

- 5.40 The development would provide new homes on a site allocated in the LDF Allocations Document for the provision of new housing and meeting the three strands of sustainable development: economic, social and environmental.
- 5.41 The proposed layout and design as amended is considered to meet the requirements of the allocation and create a suitably designed and laid out development which will fit within the built framework of Bedale without significant detrimental impact on the character of the area, highway safety or local residential amenity.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 32 affordable dwellings within the development in accordance with the Council's Affordable housing SPD; and (ii) a contribution of £2,597.28 towards local open space, (iii) a contribution of £14,869.78 towards local sport and recreation provision; and (iv) appropriate management of on-site open space; and
 - (b) The CIL charge liability of £364,485; and
 - (c) 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 numbered received by Hambleton District Council on 2015; unless otherwise agreed in writing by the Local Planning Authority.
 3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. No dwelling shall be occupied until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
 5. No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
 6. 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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
 7. Notwithstanding the submitted details and prior to any above ground works, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented in the first planting season following first occupation of any dwelling and maintained thereafter in accordance with the approved details.
 8. Prior to any above ground works a scheme that shows 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 first occupation or use of any part of the development hereby approved.
 9. Prior to any above ground works 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.

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences
11. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
12. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
13. Notwithstanding details hereby approved, no above ground works shall commence until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
14. The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
15. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
16. A footpath shall be provided across the frontage of the site

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 Hambleton Local Development Framework Policies CP17 and DP32.

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 Hambleton Local Development Framework Policies CP17 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 Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
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 in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. 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
9. To protect the amenity of the neighbouring residents and to ensure accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.
11. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework
14. In the interests of the visual amenities of the locality.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
16. To allow for pedestrian access, in accordance with Policy CP2.

15/02403/FUL

**Proposed demolition of existing bridge and construction of new bridge and highway over Cod Beck
at Dalton Bridge, Dalton
for Hambleton District Council**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The present Dalton Bridge is a traditional sandstone bridge that crosses Cod Beck and provides the principal access to Dalton Industrial Estate (via Eldmire Lane) from the A168 and a means of accessing Dalton village beyond (via Dalton Lane). It is in a rural setting, mainly surrounded by farmland. During flood events, access across the bridge can be severed, which can have severe consequences for businesses operating from the Industrial Estate.
- 1.2 To prevent this occurring, the District Council now proposes to provide a new carriageway and bridge on a different alignment and with higher finished levels. The application site extends to 2.48 hectares and includes a section of carriageway to the west of the bridge, as well as space for a compound to the south off Eldmire Lane. The impetus for this comes from a recommendation in the Economic Study prepared for the Council by GVA in April 2014. Under the heading "growing the rural business base" the study recommended the Council to address access constraints relating to the existing bridge and flooding issues in respect of Dalton Industrial Estate.
- 1.3 The proposed bridge would be constructed to a modern engineering solution and would therefore be different in appearance to the existing low stone arched bridge. It is also proposed to raise the height of the proposed highway to a maximum of approximately 2.4m above the existing carriageway, in order to be above the predicted maximum flood level. The structure would essentially comprise structural steelwork with concrete superstructure, and with a steel guard rail on either side of the carriageway. Concrete buttresses would be added either side of the existing river channel, which would not be altered in any way. The bridge would have a span of 16m and a width of 12.6m, therefore being wide enough to allow unhindered two-way traffic to pass. The new bridge would be located approximately 8m to the south of the current one.
- 1.4 A new section of carriageway would extend from the bend in Dalton Lane to the west, joining the new bridge at Cod Beck. The new section of carriageway would be gradually built up on banking to reach the new higher surface level of the proposed bridge. This would involve the removal and subsequent reinstatement of a section of hedgerow, along with further tree planting.
- 1.5 One house, Dalton Bridge House, is sited nearby, approximately 40m from the existing bridge. The boundaries of this property comprise high hedgerow, with a number of trees dispersed throughout. This provides an effective screen at ground floor level but the new bridge would be visible from the upper floors of the property.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant history associated with this site.

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 - Priorities for employment development
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 DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
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 DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework, March 2012

4.0 CONSULTATIONS

4.1 Dalton Parish Council - No objection.

4.2 NYCC Highways – to be reported at the meeting.

4.3 Environment Agency - Discussions have taken place between the EA and the Council's flooding consultant, resulting in the production of a revised Flood Risk Assessment. The EA have been consulted on this revised document and a response is awaited. Any comments will be updated at Committee.

4.4 Ministry of Defence - No safeguarding objections.

4.5 Swale and Ure Drainage Board - no comments to make

4.6 Neighbours were notified of the scheme on 29 October. A site notice was also posted at the site on 5 November 2015. Two responses have been received from local residents, both expressing support for the proposal. However, the occupant of Dalton Bridge House, closest to the proposed bridge, requests the following:

1. A solid fence along the length of the property to a height of 3 metres and an evergreen (western red cedar) hedge on the outside of this fence.
2. Consultation on landscaping.
3. Advice on how traffic noise will be limited so it is at least no worse than at present. It is suggested that a fence would help this.
4. Advice on what safety measures/barriers will be put in place.
5. Construction of a bund to give added protection to Dalton Bridge House.

6. The following measures to minimise disturbance to Dalton Bridge House and the caravan park behind during construction: no weekend working; weekday working limited to 7 am - 5pm; monitoring of noise levels; modern equipment including generators correctly silenced; piling/drilling to use the method which would cause the least disruption; adherence to the Considerate Contractor Scheme, including weekly liaison; and a flood defence solution that does not decrease the current flood protection to Dalton Bridge House.

5.0 OBSERVATIONS

5.1 The main issues with the application are:

- The design of the bridge and road and their impact on local character
- Flooding
- Highway impact
- Residential amenity
- Ecology
- Economic impact

Design and character

5.2 The stated aim of the proposed design is to provide a solution that maintains the character of the existing route. To achieve this, a single carriageway highway with grass verges, similar in design and character to the existing carriageway, is proposed. Nonetheless, the proposed bridge would change the character of the area by reason of its height, modern design, and the need to realign and raise the carriageway on a new embankment to pass over the new bridge, which would be some 2.4m higher than the existing stone bridge. However, the area is not subject to any landscape designations and there are no heritage assets in the vicinity, and the site is within view of the existing modern bridge spanning the A167 through Dalton. A Landscape and Visual Impact Assessment submitted with the application recommends that landscaping is planted around the new bridge in order to help screen the bridge and soften its impact over time. It is therefore considered that the new bridge would not, of itself, have any adverse visual impact.

5.3 The carriageway realignment would also require the removal of a section of hawthorn hedgerow to the south of the existing highway, which would be replaced either side of the new highway once construction is completed. In this respect the works and replanting would therefore only have a negative impact in the short term and this impact would diminish as the new vegetation matures. As such, in the longer term it is considered that there would not be any significant adverse impact on the character of the area.

5.4 The loss of the existing bridge has also been taken into consideration. This structure is not considered to be a heritage asset in its own right and there are no heritage assets in its vicinity. Since the present bridge cannot be altered to alleviate the flooding issue, there is no option other than to demolish it and re-landscape the area in order to address the acknowledged access and flooding problems.

Flooding

5.5 The application is accompanied by a Flood Risk Assessment (FRA), which has been revised during the course of the application after consultation with the Environment Agency (EA). The FRA has assessed the impact of the new bridge structure taking into account the historic flood issues caused by the existing low stone bridge. In order to assess this, a hydraulic model of the watercourses was developed and peak water levels and flood extents for the study area were predicted for a 1 in 1000 year

return period event. The EA and the Internal Drainage Board were consulted throughout the assessment. The EA required that the proposed development should not increase flood risk, upstream or downstream of the Site. In summary the FRA concludes that the proposed development does not increase flood risk to Dalton Bridge House. Given that Dalton Bridge House lies on the periphery of the flood extents for the 1 in 100 year plus climate change and 1 in 1000 year event scenarios, and to account for any uncertainty in the assessment, the FRA recommends that a short length of bunding (approximately 25m), parallel to the eastern bank of the river, connecting the proposed road with the existing flood defence is considered as further mitigation at detailed design stage. The EA's advice is awaited as to whether this needs to be the subject of a planning condition. The proposed development impacts on the distribution of flood conveyance within the river channel and floodplain with all the flow being conveyed through the proposed bridge and Thacker Beck culvert. The impact diminishes with distance, both upstream and downstream, from the site. The FRA concludes that once the flood flows join the River Swale, the difference between the proposed and existing scenario is minor.

- 5.6 Any further comments from the EA on the revised FRA will be reported to the meeting.

Highway impact

- 5.7 The proposal involves the realignment of the carriageway and an increase in the width of the river crossing which would fully allow two-way traffic without the burden of the 'give way' system operating over the current narrow bridge. This would improve the flow of traffic, especially HGVs accessing the nearby Dalton Industrial Estate, without causing undue impacts. The Highway Authority's formal comments are awaited and will be reported to the meeting.

Residential amenity

- 5.8 The chief issues to consider are the outlook from nearby dwellings to the new bridge and, whether it would lead to any increase in noise levels experienced by nearby residents.
- 5.9 It is considered that over time the new bridge will not have any adverse impact on the outlook from the closest property at Dalton Bridge House. This property already has extensive screening to the front (south) boundary comprising mature hedgerow, trees and fencing, and further trees are proposed as part of the landscape mitigation strategy. Landscaping is also proposed around the new bridge which would reduce its visual impact over time. Whilst the bridge would be higher than the existing carriageway, it would also be located further away from Dalton Bridge House, and therefore on balance it is considered that there would not be any materially adverse impact.
- 5.10 In terms of noise impact it has been agreed with the Council's Environmental Health Officers that a Noise Impact Assessment was not required for the operational element of the proposal, the reasons being that the new bridge would be further away from the existing property; it will not increase traffic movements; and it will improve traffic flow (one way to two way), thus reducing acceleration and deceleration. The chief impacts of the proposal would come during the construction phase. However, the Noise Impact Assessment for this element of the scheme concludes that with best practice construction methods and mitigation, this would not be likely to have any undue impacts. The Council's Environmental Health Officer has reviewed this information and also concludes that there would be no adverse impacts to residential amenity.

Ecology

- 5.11 The main ecological impacts of the proposal would be upon the existing water course and hedgerow to the south of the existing carriageway. An ecological assessment has been carried out and submitted with the application. This has assessed the site for the presence of protected species as well as the impact upon habitat. No habitats or features of high value were recorded and the proposed scheme would not impact on any statutory or non-statutory designated wildlife sites. Habitats and structures within the proposed scheme extent were identified as having the potential to support several protected or notable species, including: bats within Dalton Bridge and mature trees; otter, water vole and white-clawed crayfish within watercourses and nesting birds.
- 5.12 The scheme does not include in-channel works to Cod Beck, though precautionary measures are proposed to prevent any adverse impacts upon native white crayfish. However, this could alter if the detailed design stage were to produce any significant alterations to the design of the bridge or the surrounding works, in which event further detailed surveys could be required by condition.
- 5.13 In addition, outline mitigation is proposed to ensure protected species are safeguarded. Should further survey work confirm the presence of roosting bats within Dalton Bridge, a European Protected Species mitigation licence would be required from Natural England to permit destruction of the roost during bridge demolition. However, this is not a planning requirement. Similar requirements are likely to be necessary for any tree roosts found.
- 5.14 Similar mitigation is proposed for other protected species (if found) including otter, water vole, white-clawed crayfish and nesting birds. It is also proposed to remove small sections of Japanese knotweed that has been found at the site. The scheme should also avoid the need for felling mature trees wherever possible, and native hedgerows reinstated where removed. Root protection areas should be established around all retained trees that may be affected by construction activities, in accordance with BS5837:20126.
- 5.15 Enhancement opportunities are also proposed to improve the wildlife value of the new scheme, including the provision of roosting opportunities incorporated into the new bridge. An ecological report submitted with the application recommends that an otter pass is installed on the underside of the new bridge. The report also recommends that a mature poplar to the north of Dalton Bridge should be tested to see if it is a native black poplar specimen. The proposal does not include the removal of this tree but black poplar is recognised as a comparatively rare species in Hambleton and extra precautions should be taken if the tree is identified as such.

Economic impacts

- 5.16 In terms of the economic impact of the new bridge, the key aspects to consider are the benefits that would be attained from the alleviation of flooding in the study area and the widening of the road at the point where it crosses the Cod Beck. The alleviation of flooding would give existing businesses in the Dalton Industrial Estate greater confidence to invest, and help attract new businesses to the site. This would help secure the existing 850 jobs there and could possibly create a further 1,050, with expansion into the Dalton Airfield as envisioned in the Core Strategy and Development Plan Document.
- 5.17 Similarly, the wider new bridge would improve the accessibility, and therefore the attractiveness, of the Dalton Industrial Estate which can only help in the retention and

expansion of business and employment opportunities, as intended by the 2014 Economic Study.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The 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 23/10/15, and revised FRA (received 23/11/15); unless otherwise agreed in writing by the Local Planning Authority.
 3. The external surfaces of the bridge shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the bridge.
 4. Construction of the bridge 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.
 5. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. No works shall commence until the approved tree protection has been installed, which shall be retained as approved for the duration of the works.
 6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
 7. 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.
 8. At all times construction shall be carried out in accordance with the details contained in the submitted document 'Dalton Lane Noise Assessment (Rev.1) September 2015'.

9. No development shall commence until full details of the proposed compound, including any fencing, structures, buildings, fuel storage areas and laydown areas, have been submitted to the Local planning Authority and approved in writing.
10. The existing bridge shall not be demolished until the new road bridge is fully open and operational. Following demolition the site of the bridge and any carriageway removed shall be re-landscaped within the first available planting season following demolition, in accordance with details that have been submitted to the Local Planning Authority and approved in writing.
11. No hedgerows or trees shall be removed from the application site unless outside the official bird-nesting season for this location.
12. Prior to the commencement of any development at the site, a detailed ecological mitigation strategy shall be submitted to the Local planning Authority and approved in writing. The mitigation strategy shall set out the detailed measures (including enhancements, as set out in the submitted Ecological Report 23/10/15) to safeguard and promote the protected species known to be present within the vicinity of the site, including bats, water voles, white-clawed crayfish, otter and nesting birds.
13. Following completion of the development the compound area shall be removed and within the first planting season following removal, the land shall be restored to its previous use and appearance, in accordance with a detailed landscape and restoration scheme to be submitted and approved in writing by the Local Planning Authority.
14. Prior to the commencement of any works on site, on site investigations shall be carried out to determine the exact species of the suspected Black Poplar tree, located on the edge of the grounds of Dalton Bridge House. Once identified, details of this shall be submitted to the Local Planning Authority along with any measures to ensure its protection during the course of the work programme as required by condition 5 above.

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 development is built in accordance with the approved plans and other details, in accordance with Hambleton District Wide Local Plan Policies.
3. To safeguard the visual amenities of the area in accordance with Hambleton District Wide Local Plan Policy BD4.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Hambleton District Wide Local Plan Policy L14.
6. In order to protect the amenities of residential property in the locality.
7. In accordance with Policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. In the interests of the amenities of residents, in accordance with policy DP1 of the Development Policies DPD.
9. In order to safeguard the amenities of the area and in the interests of environmental quality, in accordance with policies CP1 and DP1 of the Core Strategy and Development Policies DPD.
10. In order to ensure adequate access is maintained across Cod Beck and in the interests of visual amenity, in accordance with policies CP1, CP2, DP1, DP3 and DP25 of the Core Strategy and Development Policies DPD.
11. In order to protect the nesting sites of birds, in accordance with European Legislation and the National Planning Policy Framework 2012.
12. In order to protect and promote the habitat of protected species, in accordance with European Legislation and the National Planning Policy Framework 2012.
13. In the interests of visual amenity in accordance with Policies CP1 and DP1 of the Core Strategy and Development policies DPD.
14. In the interests of amenity and to safeguard the health and vitality of this potential Black Poplar tree, an important species in the local Biodiversity Action Plan.

Informatives

1. Should any material alterations be required following the detailed design stage of the new bridge, road and any associated structures or earthworks, you should contact the Local Planning Authority to determine whether any resubmission of details is required or whether any further survey works will be required on site in order to ensure protected species suspected to inhabit the site and surrounding area are safeguarded.

4

15/01554/FUL

Retrospective planning application for retention of a static caravan on car park at Ye Jolly Farmers, Dalton for Mrs J Cooper

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This retrospective application is to retain a static caravan at Ye Jolly Farmers Public House, Dalton. The caravan is occupied by a security officer who is on site while the pub is closed. The pub is generally closed during the day and opens on an evening.
- 1.2 The caravan has been installed in the car park in the southern corner of the site adjacent to the rear garden of 1 Pits Lane and Stonehaven. It is on land liable to flooding, classified Flood Zone 3 by the Environment Agency.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 85/0803/FUL - Siting of residential caravan for a temporary period of two years; Granted 30 May 1985.
- 2.2 97/50317/P - Change of use of storage building to provide bed and breakfast; Granted 12 September 1997.
- 2.3 99/50326/P - Alterations and extensions to existing public house; Granted 10 May 1999.
- 2.4 08/00219/FUL - Alterations and extensions to existing public house; Granted 7 April 2008.

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 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 DP8 - Development Limits
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - no objections
- 4.2 Dalton Parish Council - wish to see the application approved. There has been a caravan on this site for many years and because of this, the Council sees no reason why the application cannot be granted.

- 4.3 Highway Authority - no objection.
- 4.4 Environment Agency - objects to the application because the development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. Recommends that the application is refused planning permission on this basis.
- 4.5 Following receipt of the Environment Agency (EA) comments the case officer contacted them to ask about possible mitigation measures that might remove their objection. The officer gave an example of a recent approval at Swaleside Holiday Park (15/00317/FUL), also in Flood Zone 3, subject to a Sequential Test and Exception Test. In response, the EA upholds its objection as it considers highly vulnerable development is not appropriate in Flood Zone 3 and should not be permitted.
- 4.6 Neighbours - One objection has been received from the occupiers of the neighbouring property of Stonehaven. The grounds of objection are summarised as follows:
- The caravan overlooks a private back garden. If approved a tall fence is required to give privacy;
 - They would not have bought Stonehaven if they had known the pub car park could be used for a static caravan;
 - The caravan is not needed. The pub has a chalet for guests and rooms above;
 - The caravan is in a very fire hazardous position, close to a wooden fence and gas bottles and close to conifer trees and a garden shed with lawn mower etc. in the grounds of Stonehaven;
 - Wooden structures to the south west of the caravan permanently hold a car; and
 - There is room to place the caravan elsewhere if it is essential to running the pub.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the ancillary accommodation in this location; (ii) any impact on visual amenity; (iii) any impact on neighbour amenity; (iv) highway safety; (v) fire safety; and (vi) the location of the caravan in Flood Zone 3.

Principle of development

- 5.2 The caravan is located within the curtilage of a public house, which is itself within Dalton village and within Development Limits and is therefore in accordance with development plan policy DP8.

Visual amenity

- 5.3 The caravan is visible when driving through the village from the North West. Nevertheless it is not considered to have a detrimental impact on the amenity of the area as it is set back from the main frontage of the public house. Whilst the design of the structure does not unduly harm the locality a static caravan in this location is not something that the Local Planning Authority would wish to grant permanent consent for because caravans can deteriorate in appearance rapidly. It is considered that consent for a temporary period is appropriate.

Neighbour amenity

- 5.4 The caravan is adjacent to the side boundary with 1 Pit Ings Lane. The boundary treatment along the adjoining elevation consists of a leylandii hedge which exceeds the height of the caravan and as such the caravan has not had a negative impact on the occupiers of 1 Pits Ings Lane.
- 5.5 The property of Stonehaven is located to the rear of the caravan. Its garden is in an 'L' shape which extends to the North West to the boundary with the Ye Jolly Farmers and the location of the caravan. The main bedroom of the caravan is adjacent to the boundary with Stonehaven. Currently there is a staggered boundary fence between the two properties which consists of two different heights, 1.51m high and 1.63m high. It is considered the existing boundary fence is not sufficient to prevent overlooking from the caravan window into the rear garden of Stonehaven and vice versa. A condition requiring the height of the boundary fence to be raised to 2m high is considered necessary to prevent the possibility of overlooking into the garden of Stonehaven and should be imposed on any approval.

Highway safety

- 5.6 The local highway authority has no objection to the proposal.

Fire safety

- 5.7 The owners of the neighbouring property have raised concerns regarding fire safety of the caravan and the close proximity of wooden structures and trees. These are matters which would usually be looked at by the Environmental Health section under the caravan site licence.

Flood risk

- 5.8 The caravan is located within Flood Zone 3 (Land having a 1 in 100 or greater annual probability of river flooding) of the Environment Agency's Flood Map for Planning. The Environment Agency has objected to the proposal. The objection is based on the National Planning Policy Framework (NPPF) and Planning Policy Guidance Flood Risk and Coastal Change. The flood risk vulnerability classification for caravans to be intended for permanent residential use is highly vulnerable and should not be allowed in flood zone 3. LDF policy DP43 is consistent with the NPPF that sites at low risk from flooding should be developed in preference to sites that are at greater risk of flooding. If no other sequentially preferable site is available then the exception test can be applied.
- 5.9 The Chairman of the Dalton Parish Council has confirmed the pub has never to be flooded in over 30 years. Others with knowledge of the site have also advised that the land upon which the caravan is sited has not flooded. The applicant does not have other land at lesser risk of flooding available to them. The purpose of the caravan is also to provide on-site security to the public house. The test of the NPPF is that "Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding". The application is considered to pass this test.
- 5.10 The Exception test can then be applied. To pass the Exception Test the sustainability benefits to the community must outweigh flood risk. The applicant has not addressed this matter however given the evidence of the lack of flooding of the site (despite the EA mapping) it is considered that more weight should be afforded to the second part of the Exception Test that the development must be demonstrated to be safe for the lifetime of the development. In this respect the applicant has confirmed they would be happy to install mitigation and resilience measures. The case officer has discussed the use of floatation devices so that in a flood event the

caravan would float up to avoid flooding. The written confirmation from the applicant that they will install floatation buoyance boxes is awaited. On receipt of such advice further consultation will be undertaken with the Environment Agency in anticipation of the removal of their objection. However, whilst it would be preferable to secure the support of the EA it is considered that on the evidence available that the site is not at risk from flooding to such an extent that refusal of the application for the intended limited residential occupation in conjunction with the pub would be justified.

- 5.11 Taking all the above matters in to account it is considered that the application should be recommended for approval as set out below.

6.0 RECOMMENDATION

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

1. The temporary permission hereby granted is valid only until 10 December 2017 and the caravan and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. Within three months of this approval the height of the boundary fence between the Ye Jolly Farmers Public House and Stonehaven shall be raised to 2m high in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be retained at 2m high at all times that the caravan is on the site.
3. Within two months of the date of this approval flotation buoyancy boxes must be fitted to the caravan and thereafter retained at all times that the caravan is on the site.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing HDC 001 received by Hambleton District Council on 8 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. The building is not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site, in accordance with the Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32.
2. In order to soften the visual appearance of the development and provide appropriate screening to the adjoining dwelling in the interest of residential amenity in accordance with Local Development Framework policy DP1.
3. To mitigate the risks to users from flooding.
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 Local Development Framework Policies - CP1, CP2, CP4, CP16, CP16, DP1, DP3, DP8, DP43 and NPPF.

15/02034/FUL and 15/02035/LBC

Applications for planning and Listed Building Consent for alterations and extension and change of use of Village Hall to dwelling as amended by plans received by Hambleton District Council on 16 November 2015.

**at Felixkirk Church Hall Felixkirk North Yorkshire
for on behalf of Felixkirk Church of England PPC, Diocese Of York.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 These applications seek planning permission and Listed Building Consent to alter and extend and change the use of Felixkirk Church Hall to form a detached dwelling. The building is Grade II Listed and is located within the Felixkirk Conservation Area.

1.2 The proposals as amended are to demolish the existing rear extension and to replace this with a single storey extension (of York Handmade bricks and reused and reclaimed slates) to form a kitchen and dining room. Internally an additional floor is proposed to be created with 2 new first floor windows one to each side and 3 roof lights added to the rear. The proposal is to form a dwelling with one bedroom/study at ground floor level and 2 on the first floor.

1.3 Externally 2 car parking spaces are proposed to be sited on a hardstanding area at the rear with gardens to the front and side. The main frontage of the garden is to be kept open.

2.0 RELEVANT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

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

4.0 CONSULTATIONS

4.1 Parish Council - no response, but have indicated they hope to respond to the amended plans following their meeting on 16 December 2015.

4.2 EHO - no objections

4.3 NYCC Highways - verbally expressed concerns about plans as initially submitted due to location of proposed garage. This has now been omitted from the plans and their views on the amended plans are awaited.

- 4.4 Felixkirk Social Group have responded as follows "We have grave concerns about this proposal which would deprive the community of a much loved Village facility. Over the years the community has invested a lot of time and money in improving and maintaining the building, and thought the people of the village collectively owned the Hall. Indeed the Church has never been able to prove that it does own the building.

The memory of older villagers is that it was purchased in the 1950's by the then Vicar for £5 on behalf of the community for community use. The heritage statement within the planning application states that the Hall is a little used facility, but it wasn't always so. This is a relatively recent even and is largely a result of the uncertainty created by the PPC in stating their intention to sell the property.

Over the years the Hall has been well used by local people. The idea that this could be replaced by Sutton Village Hall which lies two miles away is not a viable option for many people in our community. Felixkirk is not served by public transport and therefore those that don't drive or who are less mobile would not be able to access a community facility, increasing social exclusion and isolation."

- 4.5 Neighbours/site notice/advert - 2 responses received both of which support the principle of conversion to a dwelling ("The Hall is no longer fit for purpose it lacks access suitable for disabled people and appropriate toilet and kitchen facilities. The maintenance of this building is clearly a drain on the resources of the PCC which could be better used on the church") but the objections related to the position of the proposed garage and the fact that it would prove difficult to access, block visibility and be out of keeping with the listed building and conservation Area. Any further comments on the amended plans (which have omitted the garage) are awaited.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of the change of use resulting in the loss of a community facility, together with any impact upon the historic character of the Listed Building and the surrounding Conservation Area. In addition any impact upon neighbours' amenities and highway safety must also be considered.

- 5.2 Felixkirk is not a settlement with development limits as designated under policy CP4. The Interim Policy on Housing however states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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

Further to this it explains that small scale development "adjacent to the main built form of a settlement will be supported" and that "development should not compromise the open and rural character of the countryside".

- 5.3 In this case there is firstly the concern that the proposal will result in the loss of a village service (whilst hopefully supporting the remaining village facility, the Pub) but it is considered that as one dwelling only it is small scale and as a conversion within a central part of the village it will reflect the existing built form of the village and not harm the surrounding countryside. Its impact upon the historic environment will be discussed in greater detail later in this report.
- 5.4 The existing Church Hall is still being used as a community hall within the village. The Felixkirk Social group nominated this to become an Asset of Community Value in 2012 as there had been a previous attempt by the PCC to sell the Hall. The Social Group considered that "It is the only non-licensed venue for social events within the Village and has been used as a Village Hall for the past 50 to 60 years. In the past few years the Hall has been increasingly used by residents of the village and surrounding area for community events including the Big Lunch, celebration of the Royal Wedding and Diamond Jubilee, New Year's Eve celebrations and numerous other events throughout the year, attracting between 30 and 40 people at each event. These have been organised by the Felixkirk Social Group and have been open to all people from the village and surrounding area. They have served to bring the community closer together and engender a community spirit amongst people who otherwise may not have the opportunity to meet other residents. Much of the profits from the events were donated back to the Hall for upkeep and maintenance." The Social Group have again objected to the proposal to change the use of the Hall and the loss of this valuable community asset which must be considered under policies CP3 and DP5.
- 5.5 Policy DP5 states that development leading to the loss of a community facility will only be permitted if:
- i. there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii. retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii. an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement.
- 5.6 In this case the applicants have submitted details clarifying the frequency of use of the Hall and detailed how this has been reducing in frequency with events such as village dances and use as a Polling Station no longer taking place at this Hall and more commonly now events are held at the recently constructed Sutton under Whitestonecliffe Village Hall.
- 5.7 The applicants have set out how they have made attempts to find partner(s) to increase the use and viability of the hall as a community venue but have been unsuccessful. They explain that the few events run from the Hall now generate far less money in rental income than it costs to run and maintain the Hall, noting that the rental income in the last year was about £200 and that does not cover the cost of insurance and such matters as servicing of fire extinguishers and does not enable investment in the fabric of the building. There is compelling evidence of a low level of use that is implicit of a low level of need. The rental income when set against the costs of running the building show that it is not economically viable.
- 5.8 The applicants have provided evidence to show that the building is owned by the PCC of the Parish of Felixkirk and that they are bound by the covenant on the sale that any money raised from the sale of the building be used for ecclesiastical

purposes to benefit the Parish (Felixkirk). Whilst there is strong objection to the loss of this community asset from the local Social Group and the loss of any community asset is regrettable it is considered that on balance it has been proved that this is no longer needed, is not financially viable and that there is an alternative Hall albeit at some distance and less accessibly within the neighbouring village of Sutton-under-Whitestonecliffe.

- 5.9 It must also be noted however that under Policy CP4 an exception for residential development outside Development Limits may be allowed where "It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance". In this case it is considered that the Church Hall being a Listed Building within a prominent location within the Conservation Area is of some considerable importance and with this proposal resulting in the continued retention and use and the appropriate alteration of the Hall (which it is feared may otherwise continue to fall into disrepair and a possible lack of use) the principle of the change of use is on balance considered acceptable under the terms of CP4.
- 5.10 Regarding the alterations and extensions proposed, the amendments made to the plans now propose a single storey extension of an appropriate small scale and of a design and materials which satisfactorily respect the historic character of the Listed Building through the use of appropriate design detailing, and overall appearance. The windows proposed and the method of forming the additional first floor area will satisfactorily retain the original historic fabric of this Listed Building. The dwelling is located within a prominent central part of the Conservation Area on which is a presently open site. The proposal is to retain the openness to the front of the building by setting the garden boundary fence back level with the main part of the building and this together with siting the parking spaces to the rear should satisfactorily respect the character and appearance of the Conservation Area.
- 5.11 The location of the property means it has no direct neighbours who may be impacted through any overlooking or other loss of amenity. The views of NYCC Highways relating to the amended plans are awaited. Subject to the outstanding consultation responses approval is recommended.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 223/04A received by Hambleton District Council on 16 November 2015 unless otherwise approved in writing by the Local Planning Authority.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the

development have been submitted to and approved in writing by the Local Planning Authority. No part of the boundary treatments proposed shall be positioned further forward on the site than the main original front elevation of the building.

5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 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.

The reasons for the above conditions are:-

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

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

3. In order 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) DP28 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.

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.

6.2 That subject to any outstanding consultations the application be **GRANTED** Listed Building Consent subject to the following condition(s)

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

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

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 223/04A received by Hambleton District Council on 16 November 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order 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) DP28 and DP32.

15/01656/FUL

Proposed construction of 4 new dwellings and associated access road and parking at Land Adjacent 4 - 5 Brookside, Hackforth for Newroc Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site, which covers an area of approximately 0.35 hectares, lies in the south-western corner of the village on the western side of the village street. Vehicular access into the site is via a field gate directly from the C-class road, on the northern side of a beck which runs east-west through the village. The site currently forms part of an agricultural field used for grazing.
- 1.2 The site forms an L-shape to the rear of the terrace of dwellings at Brookside. It has a maximum depth of 55m and a maximum length of 75m. The southern boundary is formed by the beck; the western and part of the north-western boundaries are not currently defined on the ground; the north-eastern boundary abuts the curtilage of a terraced dwelling which fronts onto the road and most of the eastern boundary runs along the rear curtilage boundaries of a terrace of dwellings (1-6 Brookside). The frontage area through which access would be taken measures 20m. The land rises generally to the north from the village street, which is at a lower ground level.
- 1.3 It is proposed to construct 4 two storey dwellings on the site, including two detached units (one having five bedrooms and one four bedrooms), and a pair of semi-detached dwellings (one having three bedrooms and one having two). The scheme is identical in layout and design to the scheme approved in September 2014.
- 1.4 The proposed cul-de-sac access road retains access into the adjacent field. An area of public open space and 4 visitor car parking spaces are proposed close to the entrance into the development in the south eastern corner of the site.
- 1.5 Two car parking spaces are proposed for each of the semi-detached dwellings at Plots 1 and 2; Plot 3 has an attached double garage; Plot 4 has a double integral garage with bedroom accommodation above. Plots 3 and 4 also have two parking spaces within the curtilages.
- 1.6 Timber boundary fencing is proposed around the individual plots; the entrance area and public open space is proposed to be landscaped in accordance with a submitted scheme.
- 1.7 It is proposed to finish the dwellings at Plots 1 and 2 in brickwork with concrete roof tiles; the dwellings at Plots 3 and 4 would be finished in stonework and concrete roof tiles. All the dwellings are proposed with white upvc side hung and sliding sash casement windows.
- 1.8 It is proposed to allocate one of the dwellings as affordable housing (Plot 1).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/01388/OUT - Outline application for the construction of a detached dwelling; Refused 4 October 2004.

- 2.2 07/02433/FUL - Construction of a detached dwelling; Granted 20 December 2007.
- 2.3 13/01606/FUL - Construction of four dwellings; Withdrawn 1 October 2013.
- 2.4 13/02559/FUL - Revised application for the construction of 4 dwellings (including two affordable dwellings); Granted 4 September 2014.

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 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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
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 - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Hackforth Parish Council - in principle do not object to the planning application subject to the following:
1. Plots 1 and 2: The Parish Council would want these to be stone faced and not just built in brick.
 2. Who is going to maintain the open space?
 3. Part of the site is within the Environment Agency flood risk maps and the Parish Council would want assurance that development of the site would not cause flooding problems for other properties.
 4. Is the road through the development to be built to adoptable standards? Will this be adopted by North Yorkshire Council if not, who will maintain it?
 5. The Parish Council would want all hedges maintained where possible.
- 4.2 Highway Authority - the applicant proposes to provide an adoptable estate road to serve the development. This is not necessary for the scale of development in question and the road should remain in private ownership. Conditions are recommended.
- 4.3 Environment Agency - no objections subject to compliance with submitted Flood Risk Assessment.
- 4.4 Historic England - no comments.
- 4.5 Ministry of Defence - no safeguarding objections.

4.6 Environmental Health Officer - I have no objections to the application but in order to protect the amenity of occupiers of properties adjacent to the application site during the construction phase, I would recommend conditions restricting the hours of work and deliveries etc. to the site:

- No work shall be undertaken at the application site outside the hours of 07.30 - 18.00 Monday to Friday and 08.00 - 12.30 Saturday.
- No work shall take place on Sundays and Bank Holidays
- The removal of materials from the site and deliveries to the site should only take place during the site working hours
- Burning of waste materials should not take place on site

I would also like the following condition to be applied:

- Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

4.7 Yorkshire Water - No objections subject to conditions.

4.8 Site notice/local residents - one comment has been received from a local resident as follows:

As the only seeming change to this application is the loss of the affordable houses, most that needed to be said about the development has been said. However we would like to repeat that we are still concerned about flooding and would like to be reassured that all the issues raised in the flood report will be addressed. Especially the idea of a swale to take the surface water in times of flood, this may stop water being added to the beck by the bridge and prevent it backing up as so nearly happened in 2012.

Between our property and the development site are the beck and a mature hedge. Before this became a development site these were the responsibility of the then landowner, who will now be responsible? The hedge is mature and needs maintenance but is full of wildlife; no mention is made of it on the plans. It would be a loss of amenity if it was grubbed out it only needs some pruning and perhaps in filling to make it a real pleasure to live near for us and the new owners of any houses built.

Of course trees growing near a beck do take water from it and so lower the levels.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, including an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (ii) developer contributions, including the provision of affordable housing; (iii) neighbour amenity; and (iv) the potential effect of the development on highway safety.

Principle, character and landscape

5.2 The greater part of the application site lies outside the Development Limit boundary, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. 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.

- 5.3 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".

- 5.4 Hackforth is designated as a Secondary Village in the context of Policy CP4 of the Local Development Framework, having a modest range of community services and facilities adequate to cater for additional residential development which would, in itself, sustain and support such facilities. In principle, therefore, Hackforth is a sustainable settlement in both local and national policy terms. However, as noted above, the application site does include a significant proportion of land which is outside the defined Development Limits albeit directly adjoining. 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".

- 5.5 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. In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but 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 walking distance of the centre of Hackforth which has a school, a pub and a village hall. The village is within cycling distance (3km) of Crakehall where there are further facilities. Criteria 1 would be satisfied.

Developer contributions and affordable housing

- 5.6 The proposed scheme has already been granted planning permission including 50% of the units as affordable houses. That permission was granted before the November 2014 Ministerial Statement "Small-scale developers" which sought to prevent affordable housing being sought in schemes of ten or fewer dwellings (or five in designated rural areas where the Local Planning Authority decides to adopt a lower threshold). The current application was submitted to take advantage of that policy position but in July 2015 the High Court ruled that the Ministerial Statement was unlawful and could not form a material planning consideration. In light of this, and following counsel's advice, the Council has established that it must rely on LDF Policy CP9, which seeks to maximise affordable housing provision or contributions

from all residential developments of 2 dwellings or more outside of Service Centres, subject to negotiation taking account of viability and the economics of provision.

- 5.7 Since the previous permission the Council has adopted the Community Infrastructure Levy (CIL) which requires a payment of £55 for every square metre of new housing, excluding affordable housing. This has replaced the collection of tariff payments for infrastructure (in this case for public open space sport and recreation) under planning obligations. As such, the financial implications for development are now different from when permission was previously granted in September 2014.
- 5.8 The applicant proposes to provide one affordable unit and has submitted viability evidence to support this stance. A report on a basic viability assessment has been undertaken on behalf of the Council by Mouchel, which suggests that there is a viable option to provide just one of the units as an affordable house without a financial contribution for the remaining 0.6 units that would make up 40% of the units.

Amenity and highway safety

- 5.9 The scheme is identical to the scheme approved in September 2014 when the details of the layout, access, design and materials were considered and deemed acceptable. There have been no changes to the scheme, neighbouring properties or planning policy that would affect the decision relating to these matters.
- 5.10 Whilst the Environmental Health officer has recommended restrictions during the construction process, no such restrictions were recommended or imposed on application 13/02559/FUL, for an identical form of development, and it would be inconsistent to impose them now, particularly for a relatively small development. The recommended condition relating to external lighting is not considered necessary for residential development and would be onerous to operate.
- 5.11 The Highway Authority has confirmed that its recommendation is unchanged and has no objection to the proposed development subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. 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.

4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 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.
6. No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions including: (i) The programme and methodology of site investigation and recording; (ii) Community involvement and/or outreach proposals; (iii) The programme for post investigation assessment; (iv) Provision to be made for analysis of the site investigation and recording ; (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) Nomination of a competent person or persons to undertake the works set out within the scheme of investigation. No development shall take place other than in accordance with the Written Scheme of Investigation approved under the paragraph above The development hereby permitted shall not be occupied until the site investigation and post site investigation assessment has been completed in accordance with the Written Scheme of Investigation approved under the paragraph above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
7. The development hereby permitted shall not be carried out except in complete accordance with the Flood Risk Assessment (prepared by Stevenson Associates dated December 2012: Land rear of Brookside Hackforth) unless otherwise agreed in writing with the Local Planning Authority.
8. The development of the site shall take place with separate systems for foul and surface water drainage. Foul water only shall discharge into the public sewer in Crakehall to Hackforth Road.
9. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general and deliveries to and from the site shall be carried out except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 12.30 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
10. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include:
 - a. The number, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than one of the overall total number of housing units on the site. The affordable housing provision shall accord with the

Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council

- b. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 2 open market dwellings on the site;
 - c. The arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
11. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing 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.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority; (ii) The access shall be formed as a dropped kerb crossing of the footway, to give a minimum carriageway width of 5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1; (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 70 metres measured along both channel lines of the C36 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.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular, cycle, and pedestrian accesses; (ii) vehicular turning arrangements; and (iii) manoeuvring arrangements. No part of the development shall be brought into use

until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details.

15. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing dhh 096 / 01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. 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.
17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings Ref dhh096/01; dhh096/03; dhh096/04 and dhh096/05 received by Hambleton District Council on 17 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
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 LDF Policies.
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 in accordance with LDF Policies.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

7. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
8. The local public sewer does not have capacity to accept any discharge of surface water from the site in accordance with LDF Policies CP21 and DP43.
9. To protect the amenity of adjacent residents in accordance with LDF Policies CP1 and DP1.
10. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
11. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
12. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
13. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
14. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
15. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
16. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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Parish: Northallerton
Ward: Northallerton
7

Committee Date: 10 December 2015
Officer dealing: Mr Peter Jones
Target Date: 5 January 2016

15/02538/PND

**Prior Notification for the demolition for the unlisted parts of former Northallerton Prison and Boundary Wall
at Former H M Prison Northallerton, East Road, Northallerton
for Hambleton District Council.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is a Notification for Prior Approval under Part 11, Class B of the General Permitted Development Order for the demolition of the non-listed elements of Northallerton Prison, along with the boundary wall.
- 1.2 The prison site comprises a variety of structures including the principle custody block to the south of the site and the boundary wall, which dominates the character and form of this part of the town. To the north of the site are a range of listed structures which will be retained.
- 1.3 The boundary wall of the site was replaced a decade ago and is intended to be removed as the last element of the demolition.
- 1.4 There are a variety of uses in the vicinity of the site including a number of residential properties, the majority of which are located on Crosby Road. The Notification looks at the potential impacts and mitigation response to protect the amenity of these and other properties in the vicinity of the site.
- 1.5 Full planning permission is not required in these circumstances as the works are considered to be Permitted Development. However, the Notification allows for certain impacts of the demolition to be assessed and where necessary mitigated.
- 1.6 The application sets out the methodology for the demolition of the prison buildings and walls and includes a statement as to how the listed and non-listed elements will be separated, a traffic management plan and details of how the demolition will be undertaken. This Notification forms the basis of the demolition methodology although it would be devised in greater detail in due course. That additional detail is not required for the Notification but may be subject to other legislation including the Construction Design Management regulations.
- 1.7 The applicant has submitted details of how the listed and un-listed elements will be separated along with details regarding traffic management, ground vibration and noise and dust management.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There were numerous notifications for Crown development covering various works at the Prison, including the construction of the current walls, but these are not considered to be relevant to this application now that the site is no longer in use as a prison.
- 2.2 The site lies within the area of Northallerton affected by the closure of the prison and the nearby Rural Payments Agency in 2013 and 2014. In response the Council adopted a Central Northallerton Development & Design Framework in July 2014.

Within this document, the Council seeks to encourage and guide regeneration of the former prison as an edge of centre site for town centre uses.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP2 - Access
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
National Planning Policy Framework
Central Northallerton Development & Design Framework - adopted July 2014

4.0 REPRESENTATIONS AND CONSULTATIONS

4.1 Northallerton Town Council – No observations.

4.2 Representations - The application was advertised by site notice on 10 November 2015. A total of 6 site notices were placed at strategic points in public places around the prison site. No third party responses have been received. However, one member of the public discussed the proposals with the case officer and raised concerns about potential noise and dust nuisance.

4.3 Highway Authority - The main issues are:

- (i) the management of the traffic associated with the demolition phase;
- (ii) how the rear of the footway is retained after the prison wall has been removed; and
- (iii) to ensure that any damage to the highway during the demolition is identified and repaired.

The management of the traffic associated with the demolition phase can be dealt with by a condition. The submitted documents reference the development of a Traffic Management Plan. Accordingly such a plan should be submitted.

When the wall is removed then this will leave the back of the footway with an unrestrained edge. The back of the footway will also delineate the boundary of the public highway. It is therefore recommended that details are submitted to the Local Planning Authority in consultation with the Highway Authority that will show how the back edge of the footway will be retained once the demolition has been completed. Any damage to the highway that may happen as a result of the demolition must be identified and repaired.

4.4 Environmental Health Officer – This service has considered the above application and has the following comments to make:

Demolition of the external boundary wall will be the last operation. This will contain a lot of the dust and the noise. However a noise and dust management plan shall be submitted to the authority prior to commencing the works. The Management Plan shall include the noisiest phases arranged in terms of loudness, the duration of the phases and details of mitigation measures to be employed to minimise the noise and dust during the demolition process.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy

Informatives:

In order to comply with the above condition, the plan should comply with guidance found in BS5228 Noise Vibration and Control on Construction and Open Sites

To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

As the proposed development is in close proximity to residential areas it is recommended that to minimise noise disturbance work should be undertaken in compliance with BS 5228 Noise Vibration and Control on construction and Open Sites therefore there shall be no work before 7.00am or after 6.00pm Monday to Friday and no work before 8.00 am or after 1.00pm Saturdays and now working on Sundays and Bank Holidays.

- 4.4 Allerton Civic Society – No response
- 4.5 Historic England – No response
- 4.6 The Society for the Protection of Ancient Buildings - No response
- 4.7 NYCC Archaeologist – No response
- 4.8 The Council for British Archaeology - No response

5.0 OBSERVATIONS

- 5.1 As noted in section 2, this site is important to the Council's objective to secure investment in central Northallerton to offset the economic impact of the HM Prison and the Rural Payments Agency closing in quick succession and to create an opportunity for expansion of the town's retail offer. However, the Notification Procedure gives powers to the Local Planning Authority for the prior approval of works and programmes for demolition works and those powers refer to the potential impacts of the demolition.
- 5.2 In view of this narrow legislative scope, in this case the main issues are considered to be the potential impact on (i) amenity in terms of dust, noise and ground borne vibration; and (ii) the local highway network and road safety. There is also a question in relation to the impact of the scheme on the integrity of the listed buildings within the northern part of the former prison complex.

Amenity

- 5.3 The site is located close to a number of residential properties along with a number of workplaces which could be noise sensitive. The majority of the residential properties, potentially impacted by the demolition are located to the east of the site on Crosby Road. The majority of these properties are located in line with the retained buildings, which would limit the noise impact on these properties. The boundary wall would be retained for the majority of the demolition works, thus allowing the noise impact of the demolition to be mitigated.
- 5.4 A number of measures are included within the Notification to mitigate the potential impacts of noise, including limited working hours, use of modern noise suppressed equipment and on-site noise monitoring to ensure that the noise levels are not harmful to local amenity.

- 5.5 The Notification sets out the working practices in relation to noise and states that at all times during the works, the Demolition Contractor will be required to comply with the recommendations of BS 5228-1 to reduce noise emissions. It also states that the method of demolition will be chosen to minimise noise creation and reduce noise and vibration.
- A programme of noise monitoring would be conducted by the Demolition Contractor throughout the period of works to ensure that levels are below the acceptable thresholds. The results of the monitoring would be logged in the site file and therefore available for inspection. Other noise reduction controls include:
- Leaving the demolition of the external boundary wall as the last operation on site. The wall will act as an effective acoustic screen;
 - Use of effective exhaust silencers;
 - Generators and pumps used will be sound reduced models;
 - Pneumatic and percussive tools will be avoided where possible but where they are used their use will be limited. In all cases they will be fitted where possible with mufflers/silencers;
 - Acoustic screens may be considered where preventative control measures at source cannot be adequately provided; and
 - Where tasks are being carried out that cannot be adequately controlled the times and days these operations are carried out will be restricted.
- 5.6 The demolition has the potential to create a significant amount of dust which could detrimentally impact on the amenity of nearby residential and non-residential occupiers. The proposed retention of the boundary wall until the final phase of demolition would allow dust suppression measures to be effectively utilised.
- 5.7 Prior to commencement of works the demolition contractor will be required to conduct a series of background dust, noise and vibration monitoring exercises to ascertain existing levels within the site and adjacent to the site boundaries. This data would provide a baseline for monitoring the impact of demolition.
- 5.8 Dust, Noise and Vibration controls will be presented in the demolition contractor's method statement and included in the Environmental Management Plan.
- 5.9 Dust release during demolition works would be strictly controlled. It is indicated that during demolition works the Demolition Contractor will wet the demolition area using a water hose fed from the site's water supply system.
- 5.10 The Environmental Health Officer has noted that the proposed demolition is likely to cause significant amounts of noise and dust and has recommended conditions to manage and mitigate these impacts.

Highway issues

- 5.11 The Prison is located within the built up part of Northallerton and is enveloped by the local highway network. As such the proposed demolition has significant potential to detrimentally impact on highway users, highway safety and the physical highway infrastructure, in particular the footpaths which abut the boundary wall of the prison.
- 5.12 The main operations which would impact highway users relate to the off-loading and collection of large machines along with HGV movements associated with the removal of materials from the site. There are significant areas of open space within the boundary wall of the prison, which would allow site offices, parking and movement of HGVs without the need for vehicles to carry out dangerous reversing manoeuvres onto the road.

5.13 The Notification sets out a number of recommendations in order to mitigate any potential highway impacts. These are set out below:

- Initial delivery of welfare cabins and machines for the project will be organised outside rush hour and to avoid peak times for pedestrians using the pavement across the site main gate;
- Deliveries will be staged to avoid site related traffic queuing on the public road;
- The low loader delivering the main demolition excavators may not be able to pass through the main gate due to height restrictions due to the opening size. In this case delivery of the excavator would be made out of hours, with appropriate formal traffic management, with the machine taken off the low loader and tracked in through the gates. All necessary road plating and protection will be provided;
- All HGV wagons will be requested to turn within the prison yard and exit onto the public road going forward. A banksman will be provided to assist the driver joining traffic;
- Vehicles associated with the demolition contractor, client, consultant and visitors will be provided with dedicated parking areas within the prison walls so not to disrupt available local parking;
- A safe pedestrian route will be provided from the site entry point to accommodate visitors and site ops arriving on foot and bicycles;
- Drivers are to ensure that all loads are covered with netting before leaving site to prevent loss of material and in order to control the release of dust; and
- The demolition contractor shall be required to engage with all suppliers and communicate the strict requirements of the Traffic Management Plan.

It may not be possible for large vehicles and machinery to gain access through the existing gatehouse on East Road and this will need to be borne in mind in the imposition of any relevant conditions.

5.14 The Highway Authority has recommended two conditions to be added to any decision. The first of these requires the submission of a full Traffic Management Plan and the second requires the submission of details regarding the making good of the areas of the site adjoining the footpath which abuts the boundary wall.

5.15 The proposed demolition, subject to careful management and compliance with the proposed conditions, is not considered to be significantly harmful to road safety or local highway users.

Listed building implications

5.16 A group of buildings at the north end of the site are listed and will be retained. It is important that the demolition of the non-listed buildings has no detrimental impact on the historic fabric of the listed buildings. Lengthy discussion has taken place to establish the best way of physically separating the non-listed buildings from the listed elements. As it is unclear at the present time exactly what would replace the demolished buildings a precautionary approach has been taken.

5.17 Effectively the demolition programme includes for the careful separation of the buildings, in some cases requiring hand demolition techniques to carry out the initial separation followed by the erection of protective scaffolding, before more conventional demolition techniques are employed. This approach would offer the greatest levels of protection to the listed structures.

5.18 No alterations or other works are planned to the listed structures. This, combined with the proposed demolition methodology, has led officers to the conclusion that Listed Building Consent will not be required for the proposed demolition.

6.0 RECOMMENDATION

6.1 That subject to the receipt of any outstanding consultations Prior Approval is **GRANTED** for the demolition of the unlisted elements of Northallerton Prison along with the boundary wall, subject to the following conditions:

1. The works proposed within the Notification shall be carried out within a period of five years from the date of this decision.
2. No demolition shall take place until a Demolition Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved statement shall be adhered to throughout the demolition. The statement shall provide for the following in respect of the phase:
 - a. access to the site for HGVs and plant and materials
 - b. the parking of vehicles of site operatives and visitors
 - c. loading and unloading of plant, materials and debris
 - d. storage of plant, materials and debris arising from the demolition the development
 - e. erection and maintenance of security hoarding where appropriate
 - f. wheel washing facilities
 - g. measures to control the emission of dust and dirt during demolition
 - h. HGV timing/ routing to avoid sensitive areas
3. 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 in consultation with the Highway Authority. Details shall be submitted to the Local Planning Authority in consultation with the Highway Authority to ensure that any damage that is caused by the demolition project is rectified at the expense of the contractor (or others) within a reasonable timescale prescribed by the Highway Authority. Once the details are agreed they shall be adhered to during the demolition.
4. Prior to the commencement of demolition a noise and dust management plan shall be submitted to and approved by the planning authority. The Management Plan shall include the noisiest phases arranged in terms of loudness, the duration of the phases and details of mitigation measures to be employed to minimise the noise and dust during the demolition process.

Informatives:

1. In order to comply with the above condition, the plan should comply with guidance found in BS5228 Noise Vibration and Control on Construction and Open Sites.
2. To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.
3. As the proposed development is in close proximity to residential areas it is recommended that to minimise noise disturbance work should be undertaken in compliance with BS 5228 Noise Vibration and Control on construction and Open Sites therefore there shall be no work before 7.00am or after 6.00pm Monday to Friday and no work before 8.00 am or after 1.00pm Saturdays and now working on Sundays and Bank Holidays.

Reasons:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. In order that the proposed works do not adversely impact on highway safety or the amenity of the area.
3. In order that the proposed works do not adversely impact on highway safety or the amenity of the area.
4. To protect the amenity of the locality especially for people living and/or working nearby, in accordance with Local Planning Policy.

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15/00905/OUT

Outline planning permission for the construction of 8 dwellings (considering access) at Chapel Farm, Pickhill for Mr Peter Barningham.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of Pickhill to the rear (west) of the terrace of dwellings at Hillcrest covering an area of 0.5 hectares. To the north, the site abuts dwellings that front onto the main village street and also three of the dwellings on Melldown's Green; to the south the application site abuts the dwelling at Honley House; to the west lies agricultural land. A mature belt of trees lies outside but along the western and southern boundaries of the site.
- 1.2 The site is L-shaped with a small width of frontage onto the main village street. The vacant Methodist Chapel, which fronts onto the street, is included within the site but planning permission for its conversion to a two storey four-bedroom dwelling with a rear extension has already been granted separately.
- 1.3 The application site to the rear of the Chapel is currently occupied by poultry sheds and although some of these are still in use, the larger building is vacant and falling into disrepair. It is proposed to remove all of the poultry sheds, create an access road from the village street, adjacent to the Chapel and construct 8 dwellings. The total development, including the previously permitted conversion of the Chapel, would comprise 9 dwellings. The application for 8 dwellings is for outline permission with all matters reserved except for the proposed access. An illustrative layout has been submitted proposing a cul de sac form of development of detached and semi-detached dwellings that would generally lie parallel to Hillcrest.
- 1.4 The applicant proposes a total of 40% affordable housing.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/01028/FUL - Conversion and extension of former chapel to 1no residential dwellinghouse; granted 13 August 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 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 CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all

Development Policies DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Affordable Housing Supplementary Planning Document

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections
- 4.2 NYCC Highways - conditions recommended
- 4.3 Yorkshire Water - conditions recommended to protect the local aquatic environment and YW infrastructure.
- 4.4 Environment Agency - no comments required
- 4.5 Historic England - no comments required
- 4.6 MOD - no safeguarding objections
- 4.7 HDC Environmental Health Officer - no objections or recommendations
- 4.8 Site notice/advert/local residents - correspondence has been received from 10 local residents, 6 of whom are generally supportive of the proposed development. The comments received are summarised as follows:
 - 1. Though I will not be directly affected by this development as I live some distance along the main street from Chapel Farm I do feel that the increase in traffic by the addition of nine houses could be more than the roads can take.
 - 2. The additional use of this area by potentially 18 more cars plus delivery vehicles and visitors will cause more congestion on the existing road and more stress on the existing residents.
 - 3. The road is regularly used by large farm vehicles, delivery lorries and fuel tankers that, at times, have difficulty negotiating this stretch of road.
 - 4. Over the years have had several damages to my car which is parked outside my house due to vehicles going in and out of the chicken sheds. I am very concerned about this as the space here for vehicles to turn onto the road is very tight.
 - 5. Support proposal but have concerns over car parking if too many houses are put on site as main street Pickhill is already full of parked cars due to so much infill.
 - 6. Please clarify how the boundary details between my property and the proposed new development, will be dealt with in relation to the difference in ground levels.
 - 7. Without elevation details I am of course unable to ascertain just how close to our boundary these new houses are sited, but as the land slopes down to the street in the same way as it slopes at the other side down to our house, it appears that the bank will need to be excavated considerably in order to fit in the dwellings as situated currently.
 - 8. Along the width of the garden near the boundary we have three mature trees, a magnificent horse chestnut, a hawthorn and an ash. My concern is that if the

- houses are sited too close to our boundary, the subsequent excavations will damage the roots of these trees and kill or damage them. If the trees are damaged then they will become unsafe and potentially hazardous.
9. Contrary to Policies CP4, DP8 and DP9, criterion 2 of the IPG as it is outside the development limit boundary and is not small scale.
 10. The SHLAA demonstrates an over-supply of housing, which exceeds the expectations outlined in the NPPF.
 11. That the presumption in favour of sustainable development should not take precedence over the development plan policies.
 12. This is a great idea and just what the village needs in fulfilling possible future homes for our children aswell as tidying up an eyesore in the centre of the village.
 13. It would improve the lives of the present residents.
 14. It will improve the look of the village and hopefully extra pupils for the village school
 15. The chicken sheds cause smells and flies especially in the summer months.
 16. Welcomed providing it doesn't add unnecessary strain to a small community like Pickhill.
 17. Changes should not allow the site to become a gateway to neighbouring greenfield land for further development.
 18. Ideal site that meets all criteria for the development.

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 dwellings on the character and appearance of the village, the provision of affordable housing, the impact on neighbour amenity, the impact on trees, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted outside of Development Limits "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). 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, 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.

- 5.5 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, Pickhill is still defined as a Secondary Village and therefore 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 centre of Pickhill, which has facilities including a school, church and pub. 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 to other relevant LDF Policies. The proposal for a total of 8 new dwellings is larger than the normal maximum of 5 dwellings noted within the IPG. The guide goes on to state that "each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement" and therefore allows for larger developments if they reflect the existing built form and character of the village.
- 5.8 Pickhill is traditionally characterised by linear development; the development of the large cul de sac of Melltown Green is not in the traditional character of the village and not the type of development envisaged by the IPG, which aims for more organic and incremental growth.
- 5.9 The proposed layout shows a cul de sac development of 8 dwellings, both detached and semi-detached, positioned along one side of the proposed street that extends beyond the Chapel. This would be a less traditional form of development for the village of Pickhill and would not be an example of 'organic growth'. However, the illustrative layout is not for approval and alternatives may be possible such as a development that would reflect the current agricultural use of the site (for example a converted farmstead in appearance) rather than a suburban style of development. It is therefore considered that the proposed number of dwellings could be achieved in a different form, although this could entail smaller dwellings.
- 5.10 Supporting information submitted with the application considers that to artificially limit the number of dwellings on the site would adversely impact on existing services within the village including the school and the pub. Whilst it is accepted that a larger development would provide greater support for local services, the same support could be provided by a number of smaller developments and therefore the argument should not advance the case for an inappropriate scale or form of development.

- 5.11 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 the site of the disused poultry farm, which is falling into disrepair and is unsightly. Albeit an agricultural use, the site has more in common with the village than with 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."
- 5.12 As such, and noting that the proposed number of dwellings could be achieved in a number of ways, it is considered that the development proposed, and the limited loss of openness, can be designed at the reserved matters stage to appropriately respect the general built form of the village. There is no identified harmful impact to the built or historic environment.
- 5.13 The site is still partly in use as a poultry farm and several of the comments received by local residents is in respect of the noise and smells resulting from the operation. The buildings are in close proximity (approximately 20m) of the neighbouring dwellings, and although there are no current complaints with the Council's Environmental Health section, there have been in the past. The use is felt to be inappropriate adjacent to a residential area.
- 5.14 LDF Policy CP9 requires development in locations such as this of 2 or more houses to provide a 40% proportion of affordable homes. The applicant has agreed to this requirement and an appropriate condition is recommended.
- 5.15 The indicative layout illustrates a single access road through the site with dwellings to one side, forming an L-shape. There would be adequate distance between the existing and proposed dwellings for there to be no loss of amenity as a result of overlooking or overshadowing, so although the layout is indicative and would not be formally approved, it suggests that a layout to protect residential amenity could be achieved.
- 5.16 A mature belt of trees lies along two sides of the application site. The indicative scheme shows that there is adequate space within the site for development to take place beyond the canopy. It is recommended that a condition be imposed requiring the submission of a tree survey with the reserved matters submission to ensure there would be no adverse impact on the health and stability of the trees.
- 5.17 The access is the only matter for consideration at this stage. 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.
- 5.18 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. The sum payable can only be calculated at the reserved matters stage, when the floor space of each dwelling is known.
- 5.19 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 layout, scale, design and materials will have no adverse impact on landscape character, residential amenity and highway safety.

6.0 RECOMMENDATION

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

1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
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 areas of hard surfacing within the curtilages of the dwellings hereby approved shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. 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.
6. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 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.
8. No development shall take place until a tree report has been submitted to the Local Planning Authority to assess the impact of the proposed development

on the trees that lie along the western and southern boundaries of the application site. Thereafter any recommended works, approved by the Local Planning Authority, shall be undertaken in accordance with the approved details.

9. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The Affordable Housing Scheme shall include:

- a. The numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council
 - b. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 6 open market dwellings on the site;
 - c. The arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
 12. 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.
 13. 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 and/or footway shall be constructed in accordance with the Standard Detail number E6 var; 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 in 15; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

14. 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 22 metres measured along both channel lines of the major road Hill Crest 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.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. tactile paving; b. vehicular, cycle, and pedestrian accesses; c. vehicular and cycle parking; d. vehicular turning arrangements; e. manoeuvring arrangements ; and f. loading and unloading arrangements.
16. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
17. 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 in writing to their withdrawal.
18. 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; and 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.

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
20. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan GA/00 received by Hambleton District Council on 28 April 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development commences.
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. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. 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. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. The trees are of some local amenity value and worthy of protection in the context of new development in accordance with LDF Policies CP16 and DP30.
9. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
10. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.

11. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
12. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
13. 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.
14. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
15. 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.
16. In accordance with Policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
17. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. 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.
19. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
20. 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.

15/01327/FUL

**Construction of an access track as per amended plans received by Hambleton District Council on 26 October 2015.
at Land To South Of Tame Bridge Stokesley North Yorkshire
for Mr Adam Holloway.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a 0.77 hectare plot of land measuring 155 x 50 metres, approximately 140 metres beyond the westward extent of Tame Bridge. The plot forms part of a larger field. At the roadside there is a band of mainly pine trees. The trees are relatively densely planted and spindly in form.
- 1.2 The tree belt at the front of the site is part of a longer tree belt extending along the south side of the Stokesley -Hutton Rudby road for approximately 1km overall, with one gap of approximately 135 metres at the west end of Tame Bridge. The stretch west of the application site to the entrance to South Lund farm, has a different character and appears to be younger, immature growth. The tree belt is penetrated by the accesses serving to Hillview (single family gypsy site), Brawith House, South Lund Farm, and the existing field of which this site forms part.
- 1.3 The proposal is an access into the site from the road, and a track through the trees into the field. The access is 5 metres wide at the entrance and 3 metres wide along the inner part. The proposal also shows a hardstanding, positioned south of woodland belt. The proposed track and hardstanding are intended to be surfaced with road planings. The proposal is intended to serve a small holding.
- 1.4 Since receipt of the application a speed survey has been undertaken and the proposed position of the access has been amended. As amended the access is located approximately 135 metres east of the existing access to South Lund Farm.
- 1.5 As amended the hard surfaced area is enlarged to approximately 25 x 10 metres, and is located on the west side of the plot. An amended Planning Statement states the land is to continue to be used for agricultural purposes, specifically keeping coloured ryeland sheep to produce lamb meat, fleece for spinning and craftwork and pedigree stock for sale and show. The applicant would travel to the site from their home in Stokesley.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

National Planning Policy Framework
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the

countryside

4.0 CONSULTATIONS

4.1 Seamer Parish Council - We note that a neighbouring farmer has expressed concern over drainage and any damage to the culvert may cause flooding. The Council do not think this is a sustainable agricultural venture. A new access could potentially be abused. It is detrimental to the environment and is not serving any purpose. There is no explanation for the area of hard standing. The Council also expressed concern about another access on to this busy road.

4.2 Neighbours and site notice - Observations received:

- i. Attention is drawn to a drainage pipe running alongside the road with overflow from nearby pond and discharge from nearby properties and thereafter along a ditch to the west of the site and into river. Questions are raised about the responsibility for maintenance of this, and the owner should be made aware of responsibility for the drain. Previous blockage has led to flooding. A historic culvert in the woodland (made of interlocking tiles) is vulnerable to damage, and makes nearby properties vulnerable to flooding;
- ii It is queried whether the proposed use for sheep farming is viable;
- iii The new proposed location of parking area is against an old oak tree with nesting barn owls.

4.3 Highway Authority - as amended, the visibility provided is acceptable.

5.0 OBSERVATIONS

5.1 The site is outside Development Limits where, contrary to the principles of sustainable development contained in LDF policies CP1 and CP2, development may be supported if it meets one of the exception criteria in Core Strategy policy CP4. The criterion relevant to the sheep farming venture the applicant says the track is required for is:

- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy

5.2 The issues to consider therefore are (i) whether the development is necessary to meet the needs of farming; (ii) the effect on the rural character of the area (CP16 and DP30); and (iii) highway safety.

Whether the development is necessary to meet the needs of farming

5.3 The use of the land for sheep grazing appears to be a new speculative venture and no evidence has been offered as to whether the applicant is engaged in agriculture at present. As such, and without evidence in support of the application, it is not clear whether it would be a sustainable business. In the absence of such evidence, the intended activity should be viewed as hobby farming, rather than agriculture, and its ability to support a sustainable rural economy, as per criterion i of policy CP4 must be questionable. Furthermore, it is considered that there should be greater confidence in the likely success of any new agricultural venture before permitting permanent development.

5.4 The proposal includes a 250 sq. m hardstanding the purpose for which has been suggested to be for turning. The hardstanding is relatively large however and no evidence has been submitted to justify the need for, and the size of for the

hardstanding, particularly in view of the limited vehicular traffic to be expected in connection with sheep grazing, and the modest size of the plot which it may be presumed would support relatively few sheep. . For these reasons it cannot be considered to be "reasonably necessary for agriculture" and does not benefit from the permitted development rights contained in part 6 of the General Permitted Development Order. It is not considered that small-scale sheep farming on only 0.77 hectares should necessitate a surfaced access and turning area, certainly not of the size proposed. A hardstanding of this nature is not a typical feature of livestock fields generally, and in the absence of any demonstrable need for the development for farming purposes, in accordance with policy CP4, it would not be acceptable.

- 5.5 With regard to the need for the access, the applicant has stated that use of the existing access (with scope for a track along the south side of the tree belt) is precluded by the owner of the remaining part of the field. No detailed evidence has been offered on this point.

The effect on rural character

- 5.6 The visual effect of the access would be to create a further opening in the roadside woodland, including the removal of some trees to create the access. Taking into account the distance from other openings, the overall effect of the opening will be relatively limited in wider views and has the potential to be acceptable, subject to appropriate conditions to control any boundary treatments, including any gate used.
- 5.7 Due to the improved visibility following relocation of the access, the Highway Authority has no objection and on this basis the proposal would not cause harm to road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
- 6.2 It has not been demonstrated that the proposal is necessary to meet the needs of a farming enterprise and thus the development is contrary to Local Development Framework policies CP1, CP2 and CP4.

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15/02243/REM

Reserved Matters Application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 98 homes and associated infrastructure at Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby for Linden Homes North

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site forms part of the Sowerby Gateway development of South West Thirsk. It is currently a mix of uncultivated farm land and land in use for storage associated with the ongoing residential development on neighbouring land.
- 1.2 The application has been identified as "Phase 2a Residential" and lies to the north west of the housing under construction as phase 1 by Mulberry Homes. A further application for residential development by Taylor Wimpey has also been submitted on adjoining land and is referred to as phase 2b.
- 1.3 The development proposes a mix of 5 two-bedroom bungalows, 27 two-bedroom houses, 39 three-bedroom house and 27 four-bedroom houses.
- 1.4 The scheme takes access via a priority ('T') junction from the spine road that in turn is served by the northern roundabout on Topcliffe Road. The site abuts the phase 1 housing scheme that is under construction. A road spur is shown to link to the land to the west. The land to the south of the application site is identified in the masterplan approved at the outline stage as an area for commercial development accessed from the spine road linked to the south roundabout.
- 1.5 Roads and sewers have been approved in the outline application and provide connections to this application site.
- 1.6 An area of open space (3,5442 sq. m) is shown towards the centre of site linked via off-road pedestrian and cycle routes to link to the approved phase 1 housing and through the site to future phases of commercial and residential developments to the north and west.
- 1.7 17 different dwelling types are proposed. Some dwellings would have single garages, some with integral garage and some with surface parking. All but three dwellings would have two or more open air parking spaces close to or within the curtilage. (Garages have not been counted as parking spaces.)
- 1.8 Amendments have been sought in respect of a number of changes to increase the spacing between dwellings, provide more in curtilage or closer and larger parking spaces and increase interest by the addition of chimney stacks in key locations.
- 1.9 Following the grant of the planning permission on 29 October 2015 to vary the timescale for implementation of the off-site highway works, under reference 15/00145/MRC, the applicant has confirmed that they wish the application to be considered as a reserved matters submission to the modified permission.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02373/OUT - A hybrid application that approved both the outline application and the first phase of residential and commercial development; Granted 21 August 2012.
- 2.2 15/00145/MRC - An application to vary the trigger for the provision of off-site highway works comprising an 'all-ways' junction with Topcliffe Road and the A168 dual-carriageway; Granted 29 October 2015. This replaces the earlier permission under reference 10/02373/OUT.
- 2.3 15/02389/REM - An application for approval of reserved matters for 44 dwellings known as Phase 2b; Under consideration.
- 2.4 The outline permission granted under 10/02373/OUT and modified under 15/00145/MRC is the subject of a Section 106 Agreement that requires amongst other things the provision of 40% affordable housing, funding for the Sowerby Sports Village and transport initiatives to promote the cycling and walking as a means of travel.

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 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 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 DP3 - Site accessibility
 Development Policies DP10 - Form and character of settlements
 Development Policies DP29 - Archaeology
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010
 Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010
 Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 National Planning Policy Framework – March 2012

4.0 CONSULTATIONS

- 4.1 Sowerby Parish Council – Comments awaited.
- 4.2 Yorkshire Water – No objection in principle to the site layout
- 4.3 Environment Agency – no comments, the comments at the outline stage remain valid.
- 4.4 NYCC Highways – seeks amended details to provide greater priority to the pedestrian
- 4.5 Highways England – no objection
- 4.6 Network Rail – no objections
- 4.7 NYCC Archaeology – query regarding the extent of survey, wishes to see the survey work before the determination of the application.
- 4.8 Natural England – no comments to make.
- 4.9 Police Architectural Liaison Officer – Makes remarks supporting the design process but also highlighting specific areas for improvements: boundary treatments, parking courts, and general guidance relating to lighting, secure cycle storage, and security during the construction phase.
- 4.10 Housing manager – Responds to this scheme jointly with the Taylor Wimpey scheme and seeks an improvement to the size of 3 dwelling types to meet the Nationally Described Space Standards, to improve the pepper-potting of the affordable homes and mix of sizes of dwellings with more smaller homes (1 and 2 bed) and fewer larger homes (4 bed).
- 4.11 Neighbours – no neighbour observations submitted.

5.0 OBSERVATIONS

- 5.1 The principle of the development is secured by the Planning Permission 10/02373/OUT and the subsequent approval 15/00145/MRC that followed the allocation in the LDF Allocations Document.
- 5.2 The access arrangements are largely determined by the hybrid outline and phase 1 approval for the spine roads that serve the development site. The main issues are those of design: first, the residential layout, the spaces between the dwellings and the connections for pedestrians, cyclist and vehicles and secondly the design of the dwellings.
- 5.3 The Council's Size, Type and Tenure Supplementary Planning Document (SPD) requires that 60% of the new dwellings should be 2 and 3 bedroom (35% + 25% respectively). The target number of 4 bedroom dwellings is 10-15% and the target of 2 bedroom bungalows is 10%. The mix proposed is:

2 bedroom bungalow	5	5.1%
2 bedroom house	27	27.5%
3 bedroom house	39	39.8%
4 bedroom house	27	27.5%
Total	98	

- 5.4 The 2 bedroom and 3 bedroom dwellings are in this case 67.3% of the total. This is considered to be within an acceptable range. However, the shortfall in the number of 2 bedroom bungalows against the 10% target set out in the SPD is significant. The proposal is about half of the target level and the number of 4 bed houses is correspondingly about double the target amount. However, the overall proportion of smaller dwellings, including the bungalows is 72% and accords with the policy requirements. The applicant was requested to review and revise the proposals to increase the number of 2 bedroom bungalows and a corresponding reduction in the 4 bedroom houses. The agent has provided further detail relating to the housing mix noting on both this application and concurrent application 15/02389/REM:

“...that the housing mix put forward as part of the wider Phase 2 proposals was in order to ensure a balanced mix of housing with sufficient variety across the proposed Linden, Taylor Wimpey and ongoing Mulberry developments to enable a sales rate that will justify the investment and allow the scheme to be viable in the circumstances (including delivering bungalows, substantial S106 contributions, 40% affordable housing). As we have already stated the proposals [of Taylor Wimpey and Linden] must be considered as a whole.

The reason being that the creation of identical housing product on adjacent sites will result in direct competition and will inevitably slow the sales & completion rates. This has a significant impact upon viability. The mix set out in the proposals in front of the Council have been carefully put together in this respect. Forcing an identical mix will simply extend the construction period for the development, hinder viability and delay further the delivery of key infrastructure that will form an integral part of the Phase 3 development coming forward.

It is our view that seeking to further increase the number of 2 & 3 bedroom properties will result in a development that does not create a balanced and mixed community (as required by the NPPF) and instead, especially when read against the significant affordable requirement for 2&3 bed properties, a monotonous housing form. Moreover, failure to provide additional larger family properties prevents families upsizing (for various reasons – family size, economic circumstances etc.) and thus fails to free up 2 & 3 bedroom properties in the second hand market. Finally, it is clear that the housing mix targets of the Size, Type & Tenure SPD are simply targets and should not be utilised stringently. The housing market responds to demand and sufficient flexibility is therefore required to be built into any proposed guidance/assessment of developments in order to ensure that schemes remain achievable and thus deliverable. Such a factor is especially relevant when considered against the need for local authorities to maintain a five year supply of deliverable housing land.”

- 5.5 It is considered that it is appropriate to consider the mix of housing across both sites and that the contributions towards infrastructure delivery are relevant and should be afforded significant weight in the determination of the application. Not least that the scheme proposes that the proportion of affordable housing units remains at 40% (as determined by the Section 106 Agreements attached to 10/02373/OUT and 15/00145/MRC and complies with the LDF Policy).
- 5.6 An updated plan showing the hierarchy of footways, cycleways and roads has been supplied and this shows that the layout of the site requested to illustrate the connections between the application site and the existing and planned destinations. The scheme has also been revised to take account of the objective of providing a convenient and attractive series of sustainable routes for pedestrians and cyclists that take account of desire lines between school, shops, places of work and leisure and homes.

- 5.7 The design of the scheme has been amended to improve separation distances. Amendments have been made to improve security of parking spaces where these are outside the curtilage of dwellings. Further revisions are sought, the details of the amended schemes have been displayed on the Council's website and issued for consultation. The period of response has not expired at the time of writing and any comments will be reported to the meeting.
- 5.8 Public open space is provided on site in the form of linked green spaces. No formal children's play space is provided, but the layout provides informal amenity space. The provision of the other types of public open space is achieved off site. (The comments of the leisure services team are awaited.)
- 5.9 The outline planning permission 15/00145/MRC sets planning conditions that are applicable to the whole of the site. Condition 34 sets out the quantum of development that can be occupied prior to the improved junction with the A168 being opened. This states that "No more than 249 dwellings (excluding the extra care apartments) are to be occupied until the off-site highway works are brought in to use". The approved phase 1 scheme (107 dwellings) and this reserved matters application (98 dwellings) together with the accompanying Taylor Wimpey scheme (44) if approved would bring the total of dwellings approved (not including the extra-care apartments) to 249 units and therefore allowed for by the condition.
- 5.10 The only additional conditions that are necessary in respect of this application relate to the approved plans in order to secure the implementation of the scheme in accordance with the revised details that have been submitted.

6.0 RECOMMENDATION

- 6.1 That subject to the terms of the Section 106 Agreement (LP31/544) attached to 15/00145/MRC and receipt of further, amending or additional details relating to the mix of housing and substitution of dwelling types and the receipt and consideration of any additional or outstanding consultation response, reserved matters are **APPROVED** subject to the following conditions:
1. The development shall be undertaken in accordance with the details shown on the following drawings: Site layout plan 3679/10 Rev B, the list of the dwelling types as proposed and including the provision of chimneys on plots 1, 5, 25, 86, and 97.
 2. The cycle routes shown on drawing 3679/10 Rev B shall be completed in accordance with the specification of the Local Highway Authority prior to the occupation of the dwellings adjoin the route.

The reasons for the above conditions are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.
2. In order to ensure that the network of footpath and cycleways is provided to achieve safe access and egress to premises in accordance with LDF Policies CP1, CP2, DP1, DP3 and DP4.

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15/02389/REM

Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 44 homes and associated infrastructure at Land east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby for Taylor Wimpey North Yorkshire

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site forms part of the Sowerby Gateway development of South West Thirsk. It is currently a mix of uncultivated farm land and land in use for storage associated with the ongoing residential development on neighbouring land.
- 1.2 The application has been identified as Phase 2b Residential and lies to the northwest of housing approved as phase 1 and being built by Mulberry Homes. A further application for residential development by Linden Homes has also been submitted on adjoining land and is referred to as Phase 2a.
- 1.3 The development proposes a mix of 4 one-bedroom houses, 2 two-bedroom bungalows, 7 two-bedroom houses, 1 three-bedroom bungalow, 9 three-bedroom houses and 21 4-bedroom houses.
- 1.4 The scheme takes access via a priority ('T') junction from the spine road that in turn is served by the northern roundabout on Topcliffe Road. The site is shown to connect to the Phase 2a proposal that in turn abuts the phase 1 housing scheme that is under construction. The land to the south and west of the application site is the subject of the Linden Homes residential development the land to the north and east is identified in the masterplan as an area for further residential development that is again accessed from the spine road linked to the south roundabout.
- 1.5 Roads and sewers approved in the outline application provide connections to the site.
- 1.6 An area of open space is accessible via a footway from the site, though it is mainly within the Linden homes site. The total area of open space is 3,542 sq. m. The open space provides access to off-road pedestrian and cycle routes to link to the approved phase 1 housing and through the site to future phases of commercial and residential developments to the north and west.
- 1.7 11 different dwelling types are proposed. Some dwellings would have single garages, others would have double garages, some with integral garage and some with surface parking. All dwellings would have two or more open air parking spaces close to or within the curtilage. (Garages have not been counted as parking spaces.)
- 1.8 Amendments have been sought in respect of the mix of dwelling sizes as the scheme includes a larger number of larger dwellings than set out in the Size, Type and Tenure Supplementary Planning Document. The agent has provided comment on the mix of housing units and this is set out in the preceding report under reference 15/02243/REM.
- 1.9 Amendments have also been sought to increase garden sizes, increase spacing between dwellings, improve defensible space around parking areas and increase the security of parking generally. The agent has confirmed a willingness to address the

issues raised and amended plans are expected to be available prior to the Planning Committee meeting.

- 1.10 Following the grant of the planning permission on 29 October 2015 to vary the timescale for implementation of the off-site highway works, under reference 15/00145/MRC, the applicant has confirmed that they wish the application to be considered as a reserved matters submission to the modified permission.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02373/OUT - A hybrid application that approved both the outline application and the first phase of residential and commercial development; Granted 21 August 2012.
- 2.2 15/00145/MRC - An application to vary the trigger for the provision of off-site highway works comprising an 'all-ways' junction with Topcliffe Road and the A168 dual-carriageway; Granted 29 October 2015. This replaces the earlier permission under reference 10/02373/OUT.
- 2.3 15/02243/REM - An application for approval of reserved matters for 98 dwellings known as Phase 2a; Under consideration.
- 2.4 The outline permission granted under 10/02373/OUT and modified under 15/00145/MRC is the subject of a Section 106 Agreement that requires amongst other things the provision of 40% affordable housing, funding for the Sowerby Sports Village and transport initiatives to promote the cycling and walking as a means of travel.

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 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 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 DP3 - Site accessibility
Development Policies DP10 - Form and character of settlements
Development Policies DP29 - Archaeology
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010
Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
National Planning Policy Framework – March 2012

4.0 CONSULTATIONS

- 4.1 Sowerby Parish Council – Approve.
- 4.2 Yorkshire Water – No objection in principle to the site layout.
- 4.3 Environment Agency – no comments, the comments at the outline stage remain valid.
- 4.4 NYCC Highways – seek details of the drainage scheme, amendments to radii, length of private drives to show a maximum of 6 dwellings served from a private drive, changes to the extent of block paving and position of trees relative to the paths and roads.
- 4.5 Highways England – no response.
- 4.6 Network Rail – no response.
- 4.7 NYCC Archaeology – no response.
- 4.8 Natural England – no response.
- 4.9 Police Architectural Liaison Officer – Makes specific comments on the layout of parking courts and alleyways and the concentration of affordable housing in a single location that is contrary to best practice relating to social inclusion and the critique follows the guidance of the NPPG and “Building for Life”.
- 4.10 Housing manager – Responds to this scheme jointly with the Linden Homes scheme and seeks an improvement to the size of 3 dwelling types to meet the Nationally Described Space Standards, to improve the pepper-potting of the affordable homes and mix of sizes of dwellings with more smaller homes (1 and 2 bed) and fewer larger homes (4 bed).
- 4.11 Ministry of Defence – No objection.
- 4.12 Neighbours – no neighbour observations submitted.

5.0 OBSERVATIONS

- 5.1 The principle of the development is secured by the Planning Permission 10/02373/OUT and the subsequent approval 15/00145/MRC that followed the allocation in the LDF Allocations Document.
- 5.2 The access arrangements are largely determined by the hybrid outline and phase 1 approval for the spine roads that serve the development site. The main issues are those of design: first, the residential layout, the spaces between the dwellings and the connections for pedestrians, cyclist and vehicles and secondly the size and design of the dwellings and the distribution of affordable housing within the scheme.

5.3 The Council's Size, Type and Tenure Supplementary Planning Document (SPD) requires that 60% of the new dwellings should be 2 and 3 bedroom (35% + 25% respectively). The target number of 4 bedroom dwellings is 10-15% and the target of 2 bedroom bungalows is 10%. The composition of the scheme is:

1 bedroom house	4	9%
2 bedroom bungalow	2	4.5%
2 bedroom house	7	15.9%
3 bedroom bungalow	1	2.2%
3 bedroom house	9	20.4%
4 bedroom house	21	47.7%
Total	44	

5.4 The 2 bedroom and 3 bedroom houses in this case provide 36.3% of the scheme. This is considered to be substantially below the target range. The number of 4 bedroom houses is about triple the target amount. However as noted below and in the preceding report the proposal should be considered in the light of the proposals for the other phases of development. The agent for the Phase 2 applicants has responded advising:

“Though two separate planning applications have been submitted it has always been requested by Linden Homes and Taylor Wimpey Homes, the schemes should be assessed in combination as they were purchased together to effectively create Residential Phase 2 of the Sowerby Gateway development and should be considered as such in respect of housing mix; affordable housing provision; financial contributions; phasing; and compliance with the drawings approved as part of the outline planning approval. Accordingly, we submitted a combined planning layout and landscape masterplan within each of the planning applications.

Our assessment of the combined proposed housing mix for Phase 2 of the Sowerby Gateway scheme has identified that **66%** of the proposed homes to be provided are 1, 2 & 3 bedroom properties. Consequently the proposed mix is in accordance with the Council's Size, Type & Tenure SPD.

Finally, the Size, Type & Tenure SPD sets out an aspiration for 10% bungalows within a scheme's housing mix. The Phase 2 proposals deliver 5% bungalows notwithstanding that the ongoing Mulberry development for 107 dwellings does not include any bungalows. The 5% bungalows is in line with the pre-application discussions held between the developers and the Council's Officers prior to the purchase of the site. There remains opportunity to discuss the mix, type & tenure of the further 676 consented dwellings on the remaining land in due course.”

5.5 The scheme was prepared in advance of the adoption of the Size, Type and Tenure SPD. The proportion of affordable housing units remains at 40% as determined by the Section 106 Agreement and complies with the LDF Policy. In combination the two schemes do achieve the target level of 2 and 3 bedroom properties. Also as noted in the previous application report at 5.4 the scheme provides for a diverse mix of properties that support the viability of the scheme and thereby avoid delay in the delivery of key infrastructure to enable the delivery of subsequent phases.

5.6 An updated plan showing the hierarchy of footways, cycleways and roads has been supplied and this shows that the layout of the site requested to illustrate the connections between the application site and the existing and planned destinations.

The scheme in combination with the neighbouring site has been revised to take account of the objective of providing a convenient and attractive series of sustainable routes for pedestrians and cyclists that take account of desire lines between school, shops, places of work and leisure and homes.

- 5.7 The design of the estate shows a street frontage to the spine road with tree and shrub planting between roads and properties. The provision of footways to the estate roads and private shared drives is considered appropriate to the form and scale of the development. Amendments are anticipated as noted at paragraph 1.9 of this report and it is expected that the revised layout will be available by the time of the Planning Committee meeting.
- 5.8 A small amount of public open space is provided on the south western corner of the site. This is to be provided as amenity green space with linking footway and cycleways to the network on adjoining residential developments. No formal children's play space is provided. The provision of the other types of public open space is achieved off site. (The comments of the leisure services team are awaited.)
- 5.9 The outline planning permission 15/00145/MRC sets planning conditions that are applicable to the whole of the site. Condition 34 sets out the quantum of development that can be occupied prior to the bringing in to use of the off-site highway works. This states that "No more than 249 dwellings (excluding the extra care apartments) are to be occupied until the off-site highway works are brought in to use". The approved phase 1 scheme (107 dwellings) and this reserved matters application (44 dwellings) together with the accompanying Linden Homes scheme (98 dwellings) if approved would bring the total of dwellings approved (not including the extra-care apartments) to 249 units.
- 5.10 The only additional conditions that are necessary in respect of this application relate to the approved plans in order to secure the implementation of the scheme in accordance with the revised details that have been submitted particularly the links through the neighbouring open space land.

6.0 RECOMMENDATION

- 6.1 That subject to the terms of the Section 106 Agreement (LP31/544) attached to 15/00145/MRC and receipt of further, amending or additional details relating to the mix of housing and substitution of dwelling types and the receipt and consideration of any additional or outstanding consultation response, reserved matters are **APPROVED** subject to the following conditions:
1. The development shall be undertaken in accordance with the details shown on the following drawings: Site layout plan 3689/10; and the list of the dwelling types.
 2. The footway/cycle routes shown on drawing 3689/10 shall be completed in accordance with the specification of the Local Highway Authority prior to the occupation of the dwellings adjoin the route.

The reasons for the above conditions are:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.
2. In order to ensure that the network of footpath and cycleways is provided to achieve safe access and egress to premises in accordance with LDF Policies CP1, CP2, DP1, DP3 and DP4.

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