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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 27 January 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 4 February 2016**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

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

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

Other Members of the Council for information

Please note that there will be a briefing for Members on the Local Plan (feedback on the Call for Sites and Community Consultation); Member Training on Appeal Decisions Q2 and an update on the Castlegate Development and East Cost Main Line commencing at 10.00am

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 7 January 2016 (P.19 - P.20), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 104
Report of the Executive Director.

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 7th January, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	D Hugill	Councillor	M S Robson
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Apologies for absence were received from Councillors J Noone, Mrs I Sanderson and A Wake

P.19 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 10 December 2015 (P.17 - P.18), previously circulated, be signed as a correct record.

P.20 PLANNING APPLICATIONS

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 15/01518/OUT - Outline application for the construction of 5 detached dwellings at Land adjoining Manor House Walk, Burneston for C Craggs & A Barker

PERMISSION GRANTED

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

(Mr Peter Walker spoke objecting to the application.)

- (2) 15/00530/FUL - Change of use of car sales showroom at garage site into owner's dwelling at Rose Bower Garage, Thirsk Road, Easingwold for Mr & Mrs Chris Wiggins

APPLICATION WITHDRAWN

- (3) 15/02311/OUT - Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved at Land Between Bankside Farm and Hawthorn Cottage, East Harlsey for Mr Brian Noble

PERMISSION GRANTED

Disclosure of Interest

Councillor David Hugill (in attendance) disclosed a pecuniary interest and left the meeting during discussion and voting on this item.

- (4) 15/02407/FUL - Change of use and extension of barn to form dwellinghouse and construction of domestic double garage and garden store at May Cottage, East Harlsey for Bennett

PERMISSION GRANTED

(Mr David Allan spoke objecting to the application.)

- (5) 15/02116/OUT - Application for outline planning permission for the construction of a dwelling with some matters reserved (considering access and layout) at Cedar Garth, Meadow Lane, Snape for Mr & Mrs Cassells

PERMISSION GRANTED

- (6) 15/02189/OUT - Outline application for a new dwelling with some matters reserved (includes access and layout) at Land east of The Anchorage, Lowfield Lane, Snape for Mr David Kell

PERMISSION GRANTED

(Mr Sharpe spoke objecting to the application.)

The meeting closed at 2.20 pm

Chairman of the Committee

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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 4 February 2016. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Executive Director. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Executive Director has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Executive Director

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday 4th February 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/01499/OUT Mr R Greig Bagby Page no. 9	Outline application for the construction of 5 dwellings (all matters reserved) For: Mr K Almond At: Land to the east of Church Lane, Bagby RECOMMENDATION GRANT
2	15/02497/OUT Mrs H Laws Burneston Page no. 17	Outline application for the construction of a dwelling with some matters reserved (includes access and layout) For: Mr J Jessop At: Land east of Mustard Field, Burneston RECOMMENDATION: GRANT
3	15/01559/OUT Mr A Cunningham Catton Page no. 25	Outline planning application for the re-development of land for housing development (Use Class C3), following the demolition of a range of modern sheeted agricultural buildings For: Potter's Buildings Limited At: Village Farm, Catton Village Street, Catton RECOMMENDATION: GRANT
4	15/02079/FUL Mr P Robinson Catton Page no. 35	Proposed construction of a 4 bedroomed dwellinghouse and detached garage For: Mr Ray Ballard At: Land at The Ruins, Catton Village Street, Catton RECOMMENDATION: REFUSE
5	15/02519/FUL Mrs S Leeming Catton Page no. 43	Construction of a dwelling For: Mr Ashley Dodgson At: 8 Catton Village Street, Catton RECOMMENDATION: REFUSE
6	15/02095/FUL Mrs Helen Laws Exelby, Leeming & Newton Page no. 49	Change of use of land to rear of Londonderry Lodge from Haulage Yard to Fuel Storage Facility. For: BWOC Limited At: Land adjacent Londonderry Lodge, Londonderry RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	15/02213/FUL Mrs H Laws Kirklington Page no. 67	Change of use of agricultural land, demolition of agricultural buildings, construction of new building for food production, warehouse and distribution purposes, change of use and extension of building to provide visitor facility, staff gym and offices and construction of additional vehicular turning area; for the relocation of the existing business For: Thirsk Food Logistics Limited (Heck) At: Leeming Lane Farm, Leeming Lane, Sinderby RECOMMENDATION: GRANT
8	15/01897/OUT Mrs T Price Northallerton Page no. 77	Demolition of existing band room and construction of 5 flats For: Northallerton Silver Band At: The Band Room, Romanby Road, Northallerton RECOMMENDATION: GRANT
9	14/00326/OUT Mrs H Laws Shipton Page no. 83	Outline application for the construction of two dwelling houses For: Timarjo Properties Limited At: Old Telephone Exchange, Burrells Lane, Shipton by Beningbrough RECOMMENDATION: GRANT
10	15/02284/FUL Mr R Greig Sowerby Page no. 91	Change of use of agricultural land to touring caravan park for a maximum of 40 pitches, with associated works to provide access track and caravan standing For: Mr Bill Calvert At: Land at York Road, Thirsk, North Yorkshire RECOMMENDATION: REFUSE
11	15/00014/TPO1 Mrs H Laws Sutton Howgrave Page no. 97	Objection to making of TPO For: Mr D Robinson At: Land west side of The Willows, Sutton Howgrave RECOMMENDATION: CONFIRM
12	15/02615/FUL Mrs A Sunley Whorlton Page no. 101	Proposed alterations & extension to dwelling For: Mr & Mrs A Dickins At: Wellington Farm, Ingleby Arncliffe RECOMMENDATION: GRANT

Parish: Bagby
Ward: Bagby & Thorntons
1

Committee Date: 4 February 2016
Officer dealing: Mr R Greig
Target Date: 23 September 2015

15/01499/OUT

Outline Application for the construction of 5 dwellings with all matters reserved at Land to the East of Church Lane, Bagby for Mr K Almond

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a roughly rectangular area of grazing land, equating to approximately one third of a hectare, situated on the eastern side of Church Lane and to the rear of Hill View, a dwelling on the main village street. A modern development of six dwellings, Church Close, lies on the opposite side of Church Lane. The village is outside of any designated Development Limits.
- 1.2 The site is bounded by dense, mature landscaping to the north, east and west and from Hill View to the south by a hedgerow.
- 1.3 The site is not recorded to be at risk of flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

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
National Planning Policy Framework - published 27 March 2012
Interim Policy Guidance Note - adopted by Council on 7 April 2015

4.0 OBSERVATIONS

- 4.1 Bagby & Balk Parish Council - Objects as summarised below:
- The development is too big; and,
 - The lane is too narrow to allow for roadside parking.
- 4.2 Highway Authority – No objection, recommends that details relating to the following are secured by condition:

- Discharge of surface water;
- Private Access/Verge crossings;
- Closing of existing access;
- Visibility splays;
- Approval of details for site works in highway;
- Access, turning and parking;
- Precautions to prevent mud on highway; and,
- On-site parking, storage and construction traffic during development.

4.3 Ministry of Defence – No safeguarding objections to the proposed development.

4.4 Historic England – Do not consider it necessary to be notified.

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

- Application should be rejected as it falls outside of Local Development Plan and Bagby is not classified as a sustainable village;
- 5 dwellings is too many;
- The proposed scheme is flawed, contains incorrect information and a better scheme could be proposed;
- Would create parking problems if you consider needs of each new household and the number of road users who need access along Church Lane;
- Church Lane narrows at the northern end of the site with restricted visibility causing road safety issues;
- The information submitted is erroneous. Each new house will require a vehicle(s). The Church Close development of 6 houses contains 12 residents vehicles;
- The application underestimates traffic activity on Church Lane;
- The proposal for 5 driveways to Church Lane presents a safety issue and should be changed to have one access opposite Church Close;
- Will cause overlooking of houses on Church Lane/Church Close and will spoil view;
- Who will accept responsibility for surface water drainage to ditch and any associated maintenance and problems;
- Damage or destruction of hedges/trees on boundary would mar the view considerably; and
- The area of land to the east is a mature wildlife 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, reserved for future consideration. The application therefore seeks to establish the principle of development only. However, it is evident that access would be made from Church Lane.

5.2 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.

5.3 The Core Strategy has established a Settlement Hierarchy which provides a spatial guide to the location of development. The village of Bagby contains no designated Development Limits. With this in mind 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.

- 5.4 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.
- 5.5 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 in conjunction with an updated Settlement Hierarchy (2014).
- 5.6 The approach to the consideration of new housing development depends in the first instance on the nature and number of services and facilities 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 Bagby is listed within the 2014 Settlement Hierarchy as a Secondary Village, whereas it did not feature in the 2007 Hierarchy. It is therefore currently recognised in policy terms as a sustainable location for development, even though it was not considered to be when the LDF was adopted.
- 5.7 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 (the assessment of which follows each criterion):

Development should be located where it will support local services including services in a village nearby

- 5.8 In view of Bagby's status as a Secondary Village, this criterion is met.

Development must be small in scale, reflecting the existing built form and character of the village

- 5.9 Bagby is characterised by a linear pattern of development which fronts the main village street. The northern side of the road includes examples of developments, such as Church Close and Sandown Close, which are set behind the village street frontage. The proposed development is considered to be consistent with this approach and has the ability to provide a form of development consistent with the character of the village by dwellings fronting Church Lane. Considering the scale and character of the village, the provision of 5 dwellings would be "small scale" as outlined under the IPG and appropriate to Bagby.

Development must not have a detrimental impact on the natural, built and historic environment

- 5.10 The historic pattern of development in Bagby has evolved in recent years, the aforementioned development of Church Close being a prime example. The redevelopment of this site would continue that approach, but with the opportunity to secure more traditional frontage development. The site could therefore be developed in a way well related to the built form of the village. The development of this site is not considered to pose a risk to any designated heritage or natural assets, the nearest being St Mary's Church (approximately 40m from the site), Bagby Hall (approximately 80m from the site) and East Farm House (approximately 50m from the site), all listed grade II.

Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements

- 5.11 The site is closely associated with the village and the open countryside beyond would therefore be perceived as remaining intact. To the north of the village street, St Mary's Church forms the outer limit of the village and the development of the site would not alter that, or lead to the coalescence of settlements.

Development must be capable of being accommodated within the capacity of existing or planned infrastructure

- 5.12 The small scale nature of the development and the close proximity to the established pattern of development is such that the scheme is considered to be capable of being accommodated within the capacity of existing or planned infrastructure.

Development must conform with all other relevant LDF policies

- 5.13 As noted above this application seeks to establish the principle of development only. Consequently, compliance with all other relevant LDF policies relating to issues inclusive of design, layout, scale, appearance and access, are reserved for future consideration. However, at this stage it is appropriate to consider the requirement to provide 40% affordable housing and this can be secured by planning condition.
- 5.14 With the above in mind it is concluded that the principle of development is acceptable in this instance, with all matters, inclusive of the provision of affordable housing, reserved for future consideration.

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.

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2012 and LDF Core Strategy (2007) policy CP9. The scheme shall include:
 - (i) The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units/bed spaces;
 - (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
 - (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) 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.

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.
11. In the interests of securing affordable housing, having regard to LDF Core Strategy (2007) policy CP9 coupled with the requirements of paragraphs 159 and 174 and the definition in Annex 2 of the National Planning Policy Framework 2012.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 10.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
3. An explanation of the terms used in condition 8 is available from the Highway Authority.
4. The works referred to condition 8 shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
5. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Burneston

Ward: Bedale

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Committee Date: 4 February 2016

Officer dealing: Mrs H M Laws

Target Date: 12 February 2016

15/02497/OUT

**Outline application for the construction of a dwelling with some matters reserved (includes access and layout)
at Land East of Mustard Field House, Church Wynd, Burneston
for Mr J Jessop**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located on the south east edge of Burneston and on the south side of Church Wynd. Mustard Field House is the last property on the edge of the village on the south side of Church Wynd and the application site forms part of an agricultural field. The site is bounded on the roadside by a low wall covered in ivy and a slightly raised highway verge. The boundary wall of the neighbouring house, with hedgerow above, bounds the site to the west; the southern boundary is formed by a hedgerow. There is no eastern boundary to the application site as it forms part of a larger field. A hedgerow forms the east boundary of the field.
- 1.2 Agricultural land lies to the south and east. The site has a frontage onto the village street of approximately 15m and a depth of approximately 65m.
- 1.3 It is proposed to construct a detached dwelling on the plot. The application is in outline but requests approval for access and layout. It is proposed to create a new access to serve the development site. The proposed position of the dwelling is set back approximately 10m from the front boundary. The proposed footprint of the dwelling is L-shaped.
- 1.4 It is proposed to connect the foul sewage to mains drainage and install a soakaway to deal with surface water. The application site does not fall within an area of flood risk.
- 1.5 The application site lies outside of, but immediately adjacent to, the Burneston Conservation Area.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP4 - Access for all
Development Policy DP10 - Form and character of settlements

Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy 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 Parish Council - objects to this application and wishes to see it refused. The reasons for this decision are:

1. That the building of a house on the proposed site represents ribbon development;
2. Concerns about road safety relating to traffic entering and leaving the site, given that Church Wynd is used as a short cut by traffic going to and from Bedale, so that traffic volumes are often unusually high for a fairly narrow, rural road; and
3. Concerns about the inadequacy of infrastructure, especially drainage, in that part of the village.

4.2 Highway Authority - no objection subject to conditions.

4.3 Yorkshire Water - no comment.

4.4 Ministry of Defence - no safeguarding objections.

4.5 Site notice/local residents - four letters of objection have been received, which are summarised as follows:

1. Burneston is designated as a conservation area
2. Previous applications have been turned down
3. The proposal is outside the defined village limits, which are firmly established by wall, hedge etc. thus forming a solid boundary to the village at this point. The proposal would therefore extend the village beyond these well defined confines thus diminishing the approach to the village from the east and constitute an intrusion to the countryside
4. The repositioning of the entrance to the proposed dwelling may well trigger off similar applications adjoining the proposed site, which amounts to ribbon development.
5. There are brown field sites within the village that should be prioritised for development
6. The proposed drive is directly opposite my front door which will cause considerable light nuisance at night with vehicles leaving the site
7. The inevitable roadside parking that will occur from visitors etc. will cause obstructions to the highway when combined with parking at the surrounding houses, as well as making access from my drive hazardous
8. This site historically caused flooding to Church Wynd from surface water runoff through the existing field gate. This was apparently fixed by laying underground drains which directed the water to the south side of the site. My concern is that any ground works will damage this drainage once again causing flooding
9. Existing services within the village are already stretched; problems with drains and poor water pressure will only be exacerbated
10. This site is just to the west of the brow of a hill on a narrow road which already has several blind entrances also it is an area where some properties have lack of off road parking so parked cars are to be expected
11. Sunnyside cottage frontage is over 200 years old and has dubious foundations, this stands within a yard of the road so the building of driveways and

connection of services with the passing of sometimes heavy traffic is going to cause damage

A local resident has confirmed support only if consent is given for a single dwelling with off road parking.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) its likely impact on neighbour amenity; and (iv) highway safety.

Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Burneston, 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 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.5 In the 2014 settlement hierarchy Burneston 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 walking distance of the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

Character, appearance and landscape impact

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be on undeveloped agricultural land located at the end of the row of residential properties on the southern side of Church Wynd. 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."

- 5.7 The proposed development would extend the built part of Burneston further along the southern side of Church Wynd by one dwelling and it is acknowledged that the application site is currently undeveloped and thus is clearly seen as part of the countryside rather than the built form of the village. However, whilst the Parish Council has described this as a form of ribbon development, it is important to note that development extends considerably further eastwards on the opposite side of the road. The boundary between Mustard Field House and the application site is well established with a wall and hedgerow providing a fixed boundary to the end of the village but it lies immediately adjacent to the village and is opposite dwellings on Church Wynd and therefore has a close relationship to the built form of the village. As noted, development on the northern side of Church Wynd extends much further to the east but that does not mean that an additional dwelling on this site would set a precedent for any further development along the southern side of the road.
- 5.8 The application site, when viewed from the east, would be viewed against the backdrop of the village, which would help to reduce the prominence of the site. As such it is considered that the proposal is a modest addition to the village and there would be no harmful impact on the natural, built or historic environment.

Neighbour amenity

- 5.9 The closest neighbour to the application site is Mustard Field House, which lies closer to the frontage than the proposed dwelling. The front elevation of the proposed dwelling would be approximately in line with the rear elevation of Mustard Field House; therefore, with no windows in the side elevation of the dwelling (which can be assessed at reserved matters stage), there would be no direct overlooking of windows in the existing dwelling at close range.
- 5.10 The dwellings opposite abut the footway and therefore it is more appropriate that the proposed dwelling is set back further into the site to protect the amenity of those residents. There is a distance of approximately 21m proposed between the front elevations of the existing and proposed dwellings.

- 5.11 Concern has been expressed by local residents that vehicle movements and headlights from the proposed dwelling would detract from their amenity. The number of such vehicle movements from a single dwelling would not be significant and therefore the development could not be considered to be contrary to LDF Policy DP1.

Highway safety

- 5.12 The Highway Authority has no objections regarding the proposed development. Adequate space would be provided within the site to allow for parking and turning. In view of this, and being mindful of the Parish Council's observations, it is considered that the proposed development would not have an adverse impact on highway safety sufficient to justify refusing permission. Appropriate conditions are recommended accordingly.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be

constructed in accordance with the approved details and thereafter be retained in the approved form.

7. 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.
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 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 footway shall be constructed in accordance with the Standard Detail number E6;
 - e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
 - a. have been constructed in accordance with the submitted drawing (Reference HDC/3085/02 Rev B Proposed Site Plan);
 - c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3085/02B and HDC/3085/03A received by Hambleton District Council on 8 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. 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.
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, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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15/01559/OUT

Outline planning application for the re-development of land for housing development (Use Class C3), following the demolition of a range of modern sheeted agricultural buildings at Village Farm, Catton Village Street, Catton for Potter's Buildings Limited

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This site is located at the southern end of Catton village and to the west of the Main Street dissecting the settlement.
- 1.2 The site extends to 0.65 hectares and comprises agricultural buildings and the storage of agricultural machinery and materials.
- 1.3 The proposal includes the demolition of the modern (and largely disused) agricultural buildings and the removal of the agricultural machinery and materials. The traditional brick buildings to the south-eastern corner of the site are proposed to be retained.
- 1.4 The scheme has been amended on 23 December 2015 to reduce the number of proposed dwellings in the indicative scheme from 7 to 5. The area to the east of the proposed dwellings would be retained as an open 'green' space area.
- 1.5 Catton village falls within the 'Other Settlements' grouping in the revised HDC Settlement Hierarchy introduced alongside the Interim Policy Guidance in April 2015. It has no defined Development Limits in the Allocations DPD Annex 5: Proposal Map, as it had previously been considered to be in the open countryside for the purposes of policy CP4 of the Core Strategy.
- 1.6 The site is not in a Conservation Area.
- 1.7 The site is within Flood Zone 1.
- 1.8 This outline application reserves all matters for consideration with the exception of access.
- 1.9 Access to the site is proposed to be via two entrances to the east of the site linking to Main Street.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/87/027/0024 - Conversion of existing agricultural buildings to 3 holiday chalets; Refused 28 February 1989.
- 2.2 2/88/027/0027 - Outline application for the construction of 4 detached dwellings; Refused 1 February 1989.
- 2.3 2/89/027/0029 - Continued use of existing agricultural building as a dwelling; Refused 30 June 1989.
- 2.4 2/94/027/0029A - Use of disused agricultural building for the storage of food produce in connection with a retail delivery business; Granted 1994.

- 2.5 2/95/027/0039 - Construction of a grain storage bin; Granted 20 May 1995.
- 2.6 10/00139/CAT3 - Unauthorised caravans; Case closed 2 May 2012.
- 2.7 11/00091/OUT - Outline application for the construction of an agricultural workers dwelling; Withdrawn 28 April 2011.
- 2.8 11/00079/CAT3 - Agricultural buildings in use for plant hire business; Case closed 3 September 2013.
- 2.9 11/02641/CLE - Application for a certificate of lawfulness to use the site as a plant hire business; Refused 24 April 2012.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP5 - The scale of new housing
 Core Strategy Policy CP5A - The scale of new housing by sub-area
 Core Strategy Policy CP6 - Distribution of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP2 - Securing developer contributions
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP8 - Development Limits
 Development Policy DP9 - Development outside Development Limits
 Development Policy DP10 - Form and character of settlements
 Development Policy DP13 - Achieving and maintaining the right mix of housing
 Development Policy DP26 - Agricultural issues
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP33 - Landscaping
 Development Policy DP37 - Open space, sport and recreation
 Development Policy DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Meeting – The Chairman advises that at the village meeting in June 2014 there was a very clear majority of residents who supported the principle of a small residential development.

- 4.2 Highway Authority - Conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer - Considered the potential impact on amenity and likelihood of the proposed development to cause a nuisance and consider that there will be no negative impact, however the Environmental Health Service would like to view and consider the foul and surface water drainage provision details prior to full planning permission being granted.
- 4.4 EHO Scientific Officer - Recommends a contaminated land condition.
- 4.5 Ministry of Defence - No objections.
- 4.6 Yorkshire Water – A condition is recommended regarding discharge of surface water.
- 4.7 Neighbours notified and site notice posted; 8 responses from 6 addresses in summary mainly regarding:
- A Pragmatic solution to "eyesore" on outside of village.
 - Support in principle for small residential development.
 - The site is outside development limits and needs to be assessed as an exception site.
 - Cumulative impact on village character and services needs to be considered.
 - No environmental report for site to assess contamination.
 - No allowance for commuted sum payments to improve village facilities.
 - Need for affordable housing.
 - Improvement of local highway infrastructure and impact on highway safety.
 - Massing and scale of development should be in keeping with village.
 - Initial proposal of 7 dwellings is too many.
 - What is the land surrounding and to the rear of the dwellings to be used for?
 - Concern regarding the annexe to be positioned adjacent Caelum House.
 - No village bus facility.
 - There is already housing available in the village.
 - Threat of increased crime during development.
 - Increased noise levels during and after development.
 - Reduction in privacy to existing residents.
 - No new services proposed to support the village.
 - No demand for new homes.
 - Not in keeping with existing village built form.
 - What are the proposed boundaries on site?
- 4.8 Re-consultation and further publicity are ongoing regarding amended details received on 23 December 2015.

5.0 OBSERVATIONS

- 5.1 The main issue with this proposal are the principle of the development in the village, taking into account the impact of the removal of the existing buildings and agricultural use and the change due to the new residential use and appearance of the dwellings upon the character and amenity of the village. It is therefore necessary to consider whether, on balance, the scheme can draw exceptional support from Core Policies CP1, CP2 and CP4.

- 5.2 Also to be considered are the likely impacts on residential amenity, flooding, and the capacity of local services and the provision of the required contribution towards affordable housing.

Principle

- 5.3 Catton is a small village consisting of around 35 dwellings. It has no shops or services and the village is not served by public transport. There are no surfaced footpaths or footways into and out of the village. It has no development limits and is therefore classed as being situated in the open countryside for planning purposes.
- 5.4 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations. Development is only supported when an exceptional case can be made for the proposals which relate to policies CP1 and CP2 (which relate to sustainable development and minimising the need to travel). In this instance the exceptional case relates to the necessity of development on the land “to secure a significant improvement to the environment” (criterion ii).
- 5.5 Considering Core Strategy Policy CP1 it is found that the largely disused agricultural buildings make no significant contribution to the local economy and, without this, their environmental impact is negative. Their replacement with appropriately scaled and designed housing would secure a substantial improvement in the appearance of the village, particularly in views when approaching the village from the south. The comments of residents reported above highlight this issue. This gain is considered to achieve enhancements in terms of criterion ix (the character and quality of local landscapes and the wider countryside) and x (the distinctiveness, character, townscape and setting of settlements) of policy CP1. These issues are considered further below and it would be necessary for the details of any reserved matters submission to demonstrate significant enhancement in this regard.
- 5.6 Policy CP2 relates to reducing the need for travel. The buildings if in economic use would have been likely to generate journeys. The use has all but ceased. The formation of dwellings would increase the number of journeys. However, by virtue of its location, the gains identified under policies CP1 and CP4 can only be realised on the site.
- 5.7 Returning to Policy CP4, to understand the potential for environmental gain that could be achieved through residential dwellings it is important to understand the site context. The buildings and the storage are visible from the village street particularly from the south. The site is less prominent when viewed from the north as it is screened by mature hedgerow adjacent the highway. The storage of machinery and materials is generally at a lower level and therefore are when the hedge is in leaf are not so prominent in the landscape. The buildings are far more prominent due to their design, height, and materials and visibility from public road on the site frontage. The removal of the buildings and storage would bring about a significant improvement to the appearance of the site and the environment of the southern part of Catton. Criterion ii of policy CP4 is considered satisfied on this basis in addition to criteria ix and x of CP1.
- 5.8 Reference is made in the submission documents to the scheme taking benefit from the Interim Policy Guidance (IPG) relating to small-scale housing in villages. It has been found (and reported elsewhere on this agenda) that Catton does not achieve the requirements of the first criterion of the IPG as it lacks services and is unable to form a cluster that would constitute a sustainable community within the IPG's definition. However, the preceding analysis indicates that the development can benefit from an exception under Core Policy CP4 and as such there is no need to consider the IPG in respect of this application.

Character and amenity

- 5.9 As well as considering the impact of replacing the large disused agricultural buildings with housing, it is necessary to consider the intrinsic merits of the proposed development. The layout of the site is a matter that is reserved for later approval. However, illustrative details show a recessed position of new dwellings forming a small green with scope to orientate dwellings within the site in a way that would continue the character of the evolved settlement of Catton.
- 5.10 The submitted details illustrate a scheme that would respect the setting of the adjacent Caelum House (the original Village Farmhouse) and enhance views along Catton Village Street in both directions. The inclusion of a green space on the road frontage would also allow a significant tree to be retained.
- 5.11 The density of the development would compare favourably with the remainder of the settlement. The spacing between each dwelling and the relationship to existing residential property adjacent the site are such that there would not be a harmful erosion of neighbour amenity.

Flooding

- 5.12 The site is at the lowest risk of flooding and consequently the scheme is not at a harmful risk in this regard. No localised drainage issues are known that would impact this development.

Service Capacity and Access

- 5.13 The existing highway network is able to support the proposed development, with appropriate accesses to be formed in accordance with the Highway Authority's recommended conditions. The development could be adequately privately drained; sufficient land is available within the control of the applicant to achieve a system such that there is no reason to conclude that the scheme would place a significant burden on any existing local drainage system.

Affordable Housing

- 5.14 The applicant has agreed to the provision of 40% affordable housing to satisfy policy CP9's requirements of schemes of 2 dwellings or more outside of Service Centres. The final details of affordable housing provision would be subject to negotiation at a reserved matters stage taking account of viability and the economics of provision.

Community consultation

- 5.15 In response to neighbour comments not previously addressed:
- A contaminated land report can be required by condition to assess and mitigate for any contamination.
 - The Local Highway Authority has assessed the extent of the development and found no need for off-site improvements.
 - Land surrounding the dwellings is proposed as domestic curtilage and beyond this as a paddock - alternative uses for the paddock area would need to be assessed on their own merits if requiring permission if and when they are proposed in the future.
 - An annexe is indicated on the indicative layout drawing and would be further assessed at the reserved matters stage which would further investigate the final design of the dwellings.

- The availability of existing housing in the village is not a material planning consideration in the determination of this application.
- Secured by Design measures can be requested by condition to be included in the final design of the proposed dwellings at the reserved matters application stage.
- The potential for disturbance during demolition and construction are recognised. Conditions can be imposed on the licence for demolition and measures are available to the EHO office under separate legislation to address the impacts of construction noise.
- The boundary types could be controlled by planning condition to protect visual and neighbour amenity.

6.0 RECOMMENDATION

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed 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. No part of the existing boundary hedge along the eastern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than to achieve the visibility splays required by condition 15 or other than in accordance with details that have been submitted to and approved by the Local Planning Authority.
5. 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 prior to commencement of development.
6. Prior to commencement of development an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, shall be submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report

detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
8. 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.
9. 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 8 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.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
12. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
13. 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.
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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements a. The details of the access shall have been approved in writing by the Local Planning; b. The accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1.
15. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until

splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 agrees 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 b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
19. Prior to the commencement of development a method statement detailing the proposed demolition of the structures on site shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.
20. The development hereby approved shall not be commenced until details of the foul sewage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter the works for the provision of foul sewage shall be undertaken in accordance with the approved details.

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. To safeguard the visual amenity of the street scene in accordance with policy DP1 of the Hambleton Local Development Framework.
5. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
6. To safeguard the amenities of future occupiers of the residential property.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment.
11. 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
12. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
13. In the interests of highway safety.
14. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
15. In the interests of highway safety.
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
17. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. In the interests of highway safety.
19. To protect the amenity of the neighbouring residents
20. To ensure that the site is properly drained

Informative

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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15/02079/FUL

Proposed construction of a 4 bedroomed dwellinghouse and detached garage at Land at The Ruins, Catton Village Street, Catton for Mr Ray Ballard

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located within Catton, a small village made up of around 35 houses and some extensive farm buildings, and to the south of an area shown on Ordnance Survey maps as "The Ruins". It lies to the rear of a "Swale Reach" a bungalow fronting Catton's main street. The site includes a section of a private track which also serves other houses and provides access to another dwelling, "The Chevins", to the rear which in turn adjoins the Swale.
- 1.2 The site is laid out in grass and is roughly rectangular in shape, with timber post and rail fencing. A bank of tall trees forms the western boundary with The Chevins. A narrow area of paddock (about 15m wide) separates the site from the barn buildings of The Ruins to the north, which have recently been approved for conversion to 6 dwellings.
- 1.3 The proposed dwelling would have a floor area of 222 sqm, with four bedrooms in an attic area. The building would be orientated east-west, with the front of the house facing east, towards Swale Reach. A separate double garage would be sited between the new house and the southern boundary of the site, abutting the private track. The garage would open out onto a paved forecourt area in front of the house. Access would be via this private track to the village street.
- 1.4 There are no significant services within the village. Residents therefore rely on local services available in Topcliffe, Carlton Miniott, Thirsk and other centres for varying degrees of support. The village is located approximately 4.5km to the north west of Topcliffe (hosting a local primary school, surgery, Church, local shop and two pubs) and approximately 6km south of Thirsk, the Service Centre for the area. The village has no bus service.
- 1.5 Catton is within the "Other Settlements" grouping in the revised 2014 Settlement Hierarchy and has no defined Development Limits. The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the Swale, the site is not located in within an area at risk of flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history in relation to the site.
- 2.2 However, planning permission was granted for the conversion of barns at Catton Farm, the "Ruin" to the north of the site, to form 6 dwellings (13/02323/FUL, granted 11 March 2015). That permission has not yet been implemented.
- 2.3 Concurrent applications 15/01559/OUT (Village Farm) and 15/02519/FUL (8 Catton Village Street) also propose housing within the village and some issues regarding the sustainability of Catton are common to all three applications.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy 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 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 DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Catton Parish Council - Strongly object to the proposal. Catton is a small hamlet with no services. The roads into and out of the village are also single track and liable to become congested.
- 4.2 Highway Authority - No objections raised, but conditions are recommended in the event of planning permission being granted.
- 4.3 Ministry of Defence - No safeguarding concerns.
- 4.4 Yorkshire Water - No response received.
- 4.5 Environmental Health Officer - No objections.
- 4.6 The application was publicised by letter and a site notice. Four letters of objection have been received from local residents in Catton, expressing the following concerns:
1. The site is land locked on all four sides by other properties with the only access via a private lane which is maintained by the applicants;
 2. The property will be overlooked from the south, east and north (if the barns at The Ruins are converted as approved). The property itself will overlook those properties around it leading to loss of privacy;
 3. Both the construction and occupation of the house will lead to adverse impacts upon noise and disturbance;
 4. There will be inadequate access for construction, with likely damage to the lane itself, as well as parking issues from the builders and contractors etc.;
 5. The village has limited amenities to serve new houses;
 6. There is no need for the property to be built;
 7. The development will adversely affect the local ecosystem and lead to the loss of

- precious greenspace in the village. The site would be best turned into a pond;
8. Loss of healthy trees;
 9. The site is 'back fill' and not 'infill', and should be refused on this basis;
 10. The roads into and out of the village are narrow single-track lanes, which are already congested. The proposal would worsen this situation and lead to congestion;
 11. The plans do not show services;
 12. No facilities to house oil or gas storage are shown;
 13. There is no specified period of construction. This should be specified and enforced;
 14. The land slopes down from the access track. If the building is built at the level of the access track it will be higher and lead to further loss of privacy, and a more dominant building;
 15. The proposals will adversely affect drainage as the track slopes back down to the highway, leading to surface water runoff;
 16. The land has been used since 2012 - it was used to graze sheep up until May 2015;
 17. Previous proposals at this site have been refused. Nothing has changed so the same should happen again; and,
 18. Drains have not been shown on the plans and the capacity of existing drains has not been shown. It is questionable whether the drains will be sufficient to cater for the demands placed upon them by new housing.

5.0 OBSERVATIONS

- 5.1 The main issues with this proposal are (a) the principle of the development in the village; (b) its likely impact on the character of the village; and its likely impact on (c) residential amenity; (d) access, parking and highways; (e) service capacity and (f) flooding.

Principle

- 5.2 Catton is a small village consisting of around 35 dwellings. It has no shops or services and the village is not served by public transport. There are also no surfaced footways or footpaths into and out of the village. It has no development limits and is therefore classed as being situated in the countryside for planning purposes.
- 5.3 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations, which generally precludes new residential development unless one of 6 specific exceptions is considered to apply. These are:
- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi. It would support the social and economic regeneration of rural areas.

None of these exceptions is claimed by the applicant and therefore, if the application were determined in accordance with the development plan it would be found

unacceptable.

5.4 However, following the publication of the National planning Policy Framework (NPPF) in 2012, the Council has adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements through consistent decision making. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Catton within the sub category of "Other Settlements". The IPG states "Small scale housing development (i.e. normally up to 5 houses) will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:

- i. Development should support local services including villages nearby;
- ii. Development must be small scale, reflecting the existing built form of the settlement;
- iii. Development must not have a detrimental impact upon the natural, built and historic environment;
- iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
- v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
- vi. Development must conform with all other relevant LDF policies."

5.5 The IPG allows for development in Other Settlements by reference to the concept of Cluster Villages:

"Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".

5.6 By reason of its scale and siting, and with one exception to be considered below, the proposal is considered to broadly meet the requirements of criteria ii to v above: the application proposes a new dwelling that would be of a similar height and proportion to others nearby; there are no heritage assets in the vicinity; the site is located well within the contextual bounds of Catton and the only countryside aspect is to the west, which is screened by tall trees as it gently slopes down to the river Swale, about 80m distant. Furthermore, whilst confirmation is yet to be received from Yorkshire Water, there is no reason to suspect that existing infrastructure could not cope with as additional dwelling. This analysis takes account of the requirement of IPG criterion ii that "Development must be small scale, reflecting the existing built form of the settlement". In considering this it is appropriate to consider permissions that have been granted and still capable of being implemented (i.e. the conversion of barns at Catton Farm to form 6 dwellings under permission 13/02323/FUL) and the concurrent applications listed in paragraph 2.3. Bearing in mind that the Catton Farm scheme re-uses existing buildings and the Village Farm proposal would replace large buildings with smaller ones, it is not considered that the cumulative growth would be harmful to the character of the village.

- 5.7 The principle issue to be determined relates to criterion i (above), which only allows new development outside Development Limits (and thus anywhere in Catton) if it supports local services and can be considered to be part of a wider understanding of limited, sustainable development. In this respect the IPG brings forward the concept of 'Cluster Villages', where two or more settlements enjoy a collective level of shared service provision contributing to a sustainable community and are linked by convenient public transport, walking or cycling. Integral to this are (a) the ease and sustainability of travel between settlements and (b) the collective availability of services and facilitates within them.
- 5.8 The IPG's definition of Cluster Villages, quoted in paragraph 5.5 above, indicates that Catton could form a sustainable cluster with a sufficiently close Service Village or Secondary Village or with smaller villages if they share sufficient facilities and services. In each case, this is subject to there not being significant distances (the IPG defines this as "approximately 2km") or barriers (in this case, the river) between settlements.
- 5.9 The only settlement within approximately 2km is Skipton on Swale. However, it and Catton do not have sufficient facilities and services to form a sustainable cluster. The closest village with sufficient services and facilities to support a sustainable community is Topcliffe, a Service Village in the Settlement Hierarchy. It is only realistically accessible from Catton by unlit single-track roads, including stretches that are at times prone to flooding. Whilst Topcliffe has a local shop, 2 pubs, a primary school, surgery and church, there are no cycle paths, footpaths or bus routes linking the two villages. Crucially, the distance between the two by road is approximately 4.5km, more than double the maximum acceptable separation allowed for in the IPG.
- 5.10 For this reason Catton is not considered capable of forming a sustainable community within the meaning of the IPG and the proposal is not supported by it. The proposal therefore falls to be considered under Policy CP4 and as noted in paragraph 5.3, the proposal does not benefit from any of that policy's exemptions to the strict control of new housing outside Development Limits. The principle of development is therefore contrary to the Development Plan, is not supported by the IPG, and is therefore considered to be unacceptable.

Character

- 5.11 Catton is largely made up of largely detached houses and bungalows of mixed styles, with some semi-detached, built across the 18th, 19th and 20th centuries. The village is primarily a linear settlement, with the application site lying within an area that departs from this pattern. The access track leads to The Chevins, approximately 100m from the Village Street and Bramley House lies on the southern side of the track, to the rear of 1 and 2 Catton Village Street.
- 5.12 The Chevins is not apparent in views from the Village Street and it is acknowledged that the proposed dwelling would be largely obscured in views by Swale Reach, as Bramley House is by numbers 1 and 2. Nevertheless, and being mindful of its design and orientation relative to Swale Reach, it is considered the development would be in tandem form and thus uncharacteristic of the village. This is the exception referred to in paragraph 5.6 and for this reason the proposal does not fully accord with LDF policies CP17 and DP32, both of which expect new development to respect local character and distinctiveness.

Residential amenity

- 5.13 The house would be sited some 28.5m to the west of the bungalow at Swale Reach, diagonally 27m to the northwest of Bramley House, and 40m to the north east of The

Chevins. Given the siting and design of the proposed house, it is not considered that this would lead to any adverse impacts upon the amenity of these neighbours in respect of light, privacy or outlook. However, to the north, the situation is less clear. The barns at The Ruins are sited 17m from the northern gable of the proposed house. These barns have planning permission for conversion into residential units (as yet implemented). Whilst it is unlikely the new house would harm outlook or light at these properties, there would be an uncomfortable relationship in terms of privacy, due to the position of a first floor window serving the proposed master bedroom suite in the proposal, which directly faces these barns. This could be overcome with the installation of obscure glazing to this window, but this would likely necessitate the addition of either a dormer window or roof lights to allow for sufficient light and outlook from this bedroom. This issue has not been pursued because of the conflict in principle and it would need to be resolved if planning permission were to be granted. Therefore it currently forms a reason for refusal.

- 5.14 Despite the concerns raised by some local residents, it is considered highly unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Noise would clearly be a feature of the construction period, but the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted.

Access, parking and highway impact

- 5.15 The site would have 2 parking spaces set out within a garage and space for visitor parking within the forecourt area. It is therefore unlikely that the proposal would lead to cars being parked on the private track or the public highway, and parking is therefore considered to be acceptable. The proposal would have no adverse impacts upon highway safety or the free flow of traffic. The Highway Authority has been consulted and has expressed no objection to the proposal, subject to conditions.
- 5.16 The access is a private track which connects directly into the Village Street. This already serves 4 dwellings (it provides parking to the rear of 1 and 2 Catton Village Street) without any known adverse issues, and it is unlikely that the limited additional traffic generated by the current proposal would be noticeable. Some residents have expressed concerns over the likelihood of damage occurring to the surface of the lane during the construction period, but as the track is a private access this is a matter for the owners and users to resolve.

Services and utilities

- 5.17 Catton is served by all services but is not on the gas network. Yorkshire Water has been contacted about the proposal but is yet to respond. Notwithstanding, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed new dwelling.

Flooding

- 5.18 The land is located within approximately 80m of the River Swale to the West. However, the site here is raised to a point that it is entirely situated within Flood Zone 1, and is therefore not liable to suffer from flooding.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed new dwelling would be located in a village that is identified as an 'Other

Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Catton and Skipton on Swale, the only close settlement, and the excessive distance to the nearest Service Village at Topcliffe, it is considered that Catton cannot form part of a sustainable 'cluster' as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4 and DP9 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2014).

2. The proposed development would create a dwelling in a position that would be in tandem form and thus uncharacteristic of the village and contrary to the provisions of the Hambleton Local Development Framework Core Strategy Policies CP17 and DP32 that seek to achieve the highest quality of design, a standard that is not reached by this proposal.
3. The proposed new house, due to the proposed window serving the first floor master bedroom (north elevation), would be likely to adversely affect the privacy of neighbours to the north, should this land be developed as housing in accordance with planning permission 13/02323/FUL granted by the Local Planning Authority in March 2015. As such, the proposal would jeopardise the development of land to the north of this site by virtue of its impact upon amenity, contrary to policy DP1 of the Development policies DPD (2008).

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Parish: Catton

Ward: Thirsk

5

Committee Date: 4 February 2016

Officer dealing: Mrs S Leeming

Target Date: 4 January 2016

15/02519/FUL

**Construction of a dwelling
at 8 Catton Village Street, Catton
for Mr Ashley Dodgson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission to construct a detached dwelling within part of the curtilage of 8 Catton Village Street. The proposal involves the removal of part of the domestic garage/barn in order to provide 2 off-street parking spaces to the front. To the remainder of the street frontage to the south of the red line site is an open green area where there is the village telephone box, village notice board, letter box and a public bench with a hedge behind.
- 1.2 The proposal is to site the detached dwelling behind this green area, retaining part of the hedgerow. The dwelling would be sited further back than its neighbours at 8 and 9 and would sit roughly in line with Meadow View and Windrush further down the street.
- 1.3 The proposed dwelling would be 2 storeys of a traditional appearance with a symmetrical design to its front elevation with a chimney to each end of the roof. It is to be of brickwork with clay pantiles and painted timber windows and an oak porch. Parking would be to the front adjacent to the village green area and domestic garden area would be to the rear.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/00720/FUL - Alterations and extensions to existing dwelling including a two storey extension to replace existing barn; Granted 11 June 2015
- 2.2 Concurrent applications 15/01559/OUT (Village Farm) and 15/02079/FUL (The Ruins) also propose housing within the village and some issues regarding the sustainability of Catton are common to all three applications.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy 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 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 DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Meeting – no response.

4.2 Highway Authority - recommends conditions.

4.3 Neighbours - 9 local residents have submitted comments. 7 of these object to the proposal. Their observations include:

- The site is too narrow so there would be a negative impact on surrounding properties;
- It would result in loss of parking provision for number 8;
- Loss of "ancient/species rich" hedgerow;
- It is contrary to the Interim Policy Guidance as Catton and Topcliffe "do not form a sustainable village"; cumulatively with the other proposed housing in Catton it would not be small scale, "negative impact on the built form" with loss of separation between properties and loss of countryside views. It cannot be viewed in isolation;
- "We are already at, if not past, the stage of needing much improved highways. When totalled, the present planning proposals constitute a significant potential increase to the village hence vastly increased road usage." The roads are narrow and badly maintained;
- The village is characterised by roadside properties but this is more "back fill" housing;
- There is no demand for houses in Catton (one has been for sale for 2 years);
- Catton is a rural hamlet and its unique character would be destroyed; and
- "Catton is 5km from Topcliffe. Road links are poorly maintained and increasingly unused by residents for this reason. There is little contact between the villages and no formal contacts. To regard Catton as a 'cluster village' with Topcliffe is misleading at best. Virtually every journey out of Catton is by car. There are no services in Catton. To allow more residential development is hardly supportive of a sustainable transport policy."

One neighbour states they have no objection and another comments that the submitted plan illustrates their own back garden incorrectly and the proposed dwelling, due to its siting, would only be 3m away from his garden.

4.4 Yorkshire Water - response awaited.

5.0 OBSERVATIONS

5.1 The main issues with this proposal are (a) the principle of the development in the village, including the cumulative impacts; (b) its likely impact on the character of the village; and its likely impact on (c) residential amenity; (d) access, parking and highways; (e) service capacity and (f) flooding.

Principle

- 5.2 Catton is a small village consisting of around 35 dwellings. It has no shops or services and the village is not served by public transport. There are also no designated footpaths into and out of the village. It has no development limits and is therefore classed as being situated in the open countryside for planning purposes.
- 5.3 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations, which generally precludes new residential development unless one of 6 specific exceptions is considered to apply. These are:
- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi. It would support the social and economic regeneration of rural areas.

None of these exceptions is claimed by the applicant and therefore, if the application were determined in accordance with the development plan it would be found unacceptable.

- 5.4 However, following the publication of the National planning Policy Framework (NPPF) in 2012, the Council has adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements through consistent decision making. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Catton within the sub category of "Other Settlements". The IPG states "Small scale housing development (i.e. normally up to 5 houses) will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- i. Development should support local services including villages nearby;
 - ii. Development must be small scale, reflecting the existing built form of the settlement;
 - iii. Development must not have a detrimental impact upon the natural, built and historic environment;
 - iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
 - v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
 - vi. Development must conform with all other relevant LDF policies."
- 5.5 The IPG allows for development in Other Settlements by reference to the concept of Cluster Villages:

"Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other

Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".

- 5.6 It is considered in terms of the requirements of criteria ii to vi above the application is for an appropriately scaled dwelling of similar height and proportions to others nearby. There are no listed buildings, conservation areas or scheduled ancient monuments in the vicinity. The site is located well within the contextual bounds of Catton and forms part of the built up area as opposed to the countryside. Furthermore, whilst confirmation is yet to be received from Yorkshire Water, there is also no reason to suspect that the existing infrastructure on Catton could not cope with the additional loads arising from a single new dwelling. Whilst there have been concerns expressed about the cumulative impact of several new houses upon the highway network, no objections have been raised by the Highway Authority.
- 5.7 A number of local residents have noted that the cumulative impact of all the residential development proposed within Catton must be taken into account and considered as part of this proposal. The assessment above takes account of the requirement of IPG criterion ii that "Development must be small scale, reflecting the existing built form of the settlement". In considering this it is appropriate to consider permissions that have been granted and still capable of being implemented (i.e. the conversion of barns at Catton Farm to form 6 dwellings under permission 13/02323/FUL) and the concurrent applications listed in paragraph 2.2. Bearing in mind that the Catton Farm scheme re-uses existing buildings and the Village Farm proposal would replace large buildings with smaller ones, it is not considered that the cumulative growth would be harmful to the character of the village.
- 5.8 The principle issue to be determined relates to criterion i (above), which only allows new development outside Development Limits (and thus anywhere in Catton) if it supports local services and can be considered to be part of a wider understanding of limited, sustainable development. In this respect the IPG brings forward the concept of 'Cluster Villages', where two or more settlements enjoy a collective level of shared service provision contributing to a sustainable community and are linked by convenient public transport, walking or cycling. Integral to this are (a) the ease and sustainability of travel between settlements and (b) the collective availability of services and facilitates within them.
- 5.9 The IPG's definition of Cluster Villages, quoted in paragraph 5.5 above, indicates that Catton could form a sustainable cluster with a sufficiently close Service Village or Secondary Village or with smaller villages if they share sufficient facilities and services. In each case, this is subject to there not being significant distances (the IPG defines this as "approximately 2km") or barriers (in this case, the river) between settlements.
- 5.10 The only settlement within approximately 2km is Skipton on Swale. However, it and Catton do not have sufficient facilities and services to form a sustainable cluster. The closest village with sufficient services and facilities to support a sustainable community is Topcliffe, a Service Village in the Settlement Hierarchy. It is only realistically accessible from Catton by unlit single-track roads, including stretches that are at times prone to flooding. Whilst Topcliffe has a local shop, 2 pubs, a primary school, surgery and church, there are no cycle paths, footpaths or bus routes linking

the two villages. Crucially, the distance between the two by road is approximately 4.5km, more than double the maximum acceptable separation allowed for in the IPG.

- 5.11 For this reason Catton is not considered capable of forming a sustainable community within the meaning of the IPG and the proposal is not supported by it. The proposal therefore falls to be considered under Policy CP4 and as noted in paragraph 5.3, the proposal does not benefit from any of that policy's exemptions to the strict control of new housing outside Development Limits. The principle of development is therefore contrary to the Development Plan, is not supported by the IPG, and is therefore considered to be unacceptable.

Character

- 5.12 Catton is largely made up of largely detached houses and bungalows of mixed styles, with some semi-detached, built across the 18th, 19th and 20th centuries. The village is primarily a linear settlement, but there are examples of both newer and older buildings and houses punctuating land behind the houses fronting the main street through Catton with the dwellings at Meadow View and Windrush being set back a similar distance to this now proposed. Where this site differs however is that it has the village's telephone box, post box and notice board located on a small green area to the front. This therefore is considered an important "open" space within the village. The green area is not directly threatened by the development because it is outside the application site but it is considered that its use by the general public would be compromised due to its proximity to the main front elevation of the proposed dwelling.
- 5.13 The proposed dwelling is considered to be of a traditional design and materials appropriate to the location. There is some concern about the general layout of the site as it proposes car parking to the front of the dwelling, which is not something that occurs commonly elsewhere within the village, and as such is considered to be out of character with the area and harmful to the street scene.

Residential amenity

- 5.14 In terms of impact upon the amenities of the neighbours, it is noted that the dwelling is to be sited approximately 2m away from the boundary with number 9 and the proposed dwelling will extend the full length of the rear garden of number 9. It will be sited to the west of this garden and at approximately 7m high and with solid brickwork within its eastern elevation broken up only by a staircase window, it is considered that the proposed dwelling will be likely to have an overbearing and overshadowing impact upon number 9 which would be detrimental to the amenities of the neighbours, contrary to Policy DP1.
- 5.15 To the other side at number 8 a recent planning permission has been granted (see history above) for the construction of a 2 storey extension to the side. This has yet to be implemented but has been indicated upon the block plan for this proposal. This would be constructed within approximately 3m of the western elevation of the proposed dwelling. The proposed dwelling has a number of windows within its western elevation which serve the living room and kitchen at ground floor and a bedroom and study at first floor. The approved extension at number 8 has within its western elevation a ground floor kitchen and a first floor bathroom window. As such, there would only be minimal opportunity for mutual overlooking between these 2 properties.

Access, parking and highways

- 5.16 It is of concern that, following the construction of the proposed dwelling, number 8 would be left with no off street parking provision. Whilst there is no objection from the

Highway Authority it is considered that the location of the site close to the junction in the village, vehicles parked on the highway may cause obstruction and a loss in visibility to other highway users and with it a loss of highway safety. In the absence of shared concern and objection from the Local Highway Authority it is concluded that the concern should not amount to reason for refusal.

Service capacity

- 5.17 Catton is served by all utilities but is not on the gas network. Yorkshire Water has been contacted about the proposal but is yet to respond. Notwithstanding, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed new dwelling

Flooding

- 5.18 The land is located within approximately 100m of the River Swale to the West. However, the site here is raised to a point that it is entirely situated within Flood Zone 1, and is therefore not liable to suffer from flooding.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed new dwelling would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Catton and Skipton on Swale, the only close settlement, and the excessive distance to the nearest Service Village at Topcliffe, it is considered that Catton cannot form part of a sustainable cluster as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4 and DP9 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2015).
 2. The proposed development would by reason of its proximity to the garden of the neighbouring property cause an unacceptable harm to the amenities of the neighbours through overbearing and overshadowing, contrary to Hambleton District Council LDF Core Strategy (2007) and Development Policies DPD (2008) Policies CP1 and DP1.
 3. The proposed development would have a harmful impact upon the setting and character of the village due to it compromising the use of the public "green" area and the layout of the site with roadside frontage parking.

15/02095/FUL

Change of use of land to rear of Londonderry Lodge from Haulage Yard to Fuel Storage Facility at land adjacent Londonderry Lodge, Londonderry for BWOC Limited

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is to the rear (east) of Londonderry Lodge and covers an area of approximately 0.25 hectares off the eastern side of the village street towards the northern end of the village. Londonderry Lodge is a disused public house/café incorporating a dwelling unit which is understood to be occupied by the owner. The Lodge is a grade II listed building. The building and its immediate curtilage do not lie within the application site.
- 1.2 The site is bounded by the Lodge to the west and by houses to the south and east. To the north lies the access road leading to RAF Leeming's emergency access route. The boundaries to the south are formed by the wall of the house to the south, which is known as Dobson's Barn. Timber fencing abuts The Woodlands to the east and galvanised palisade fencing to the north. The site has a concrete and partly gravelled surface.
- 1.3 The site has last been used as a haulage yard for up to 11 trucks / trailers; vehicles currently park at the southern end of the site adjacent to the boundary with Dobson's Barn. Prior to this, the land was used as a truck stop for the café within The Lodge until it closed in 2012.
- 1.4 It is proposed to change the use of the site to a fuel storage depot. It is proposed to store domestic heating oil (kerosene) and agricultural gas oil and diesel. It is noted that it is not intended to store petrol on the site. The application has been amended to reduce the number of tanks from six to three, which results in a capacity of 375 tonnes of material.
- 1.5 An amendment has also been received to restrict the hours of use so that it would not be a 24 hour operation. It is proposed to operate the facility for the loading and unloading of vehicles (not vehicle movements) between the hours of 6am to 6pm Monday to Friday; 7am to 1pm on Saturday and no loading or unloading on Sundays and Bank Holidays.
- 1.6 The storage tanks would be coloured dark green. It is also proposed to site a modular office building with dimensions of 14.4m x 4m with a height of 3m, coloured dark green. A dark green storage tank is proposed with dimensions of 7.3m x 2.6m with a height of almost 3m. This would be to store ancillary products (parts and equipment) associated with the use of the site.
- 1.7 Close boarded timber fencing at a height of 1.8m, is proposed along the boundaries of the site. Landscaping is proposed along the northern boundary.
- 1.8 The plan has also been amended to increase the area of graded hardstanding to include the fuel delivery area so that the tankers would be parked on this area when loading and unloading fuel.

- 1.9 It is proposed to discharge surface water from roofs into the existing soakaway. The remaining surface water would be discharged to the existing foul sewerage system.
- 1.10 A total of 10 lighting units are proposed in five positions along the perimeter of the site on five posts with a height of 8m.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/02260/FUL - Retrospective consent for change of use to a haulage operating centre for the use of up to 11 trucks and 11 trailers. Permission granted 31 January 2014 subject to the following conditions:
1. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
 2. Other than when waiting to gain entry into the site, the haulage vehicles specified in the application shall be parked at all times within the confines of the application site.
 3. At no time shall there be more than 11 trucks and 11 trailers be parked within the site.
 4. Unless within 3 months of the date of this permission details of boundary fencing or other means of enclosure have been submitted for the written approval of the Local Planning Authority and within 3 months of the date of the approval of the final approved scheme the fencing has been completed in accordance with the approved scheme the land shall cease to be used for the purposes of a haulage operating centre.
 5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Plan 1 received by Hambleton District Council on 12 November 2013, Plan 2 received 6 December 2013 and Plan 3 received 20 December 2013 unless otherwise approved in writing by the Local Planning Authority.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP42 - Hazardous and environmentally sensitive operations
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Exelby Leeming & Newton Parish Council - has given careful consideration and wish to object for the following reasons and in support of residents:

- Londonderry is primarily a village and not an industrial area
- There will, it is expected a high level of vehicle movements based over 24 hours per day, 7 days week, 52 weeks per year
- There will be a definite detriment to the village and the lives of the villages both in Londonderry and the adjoining village of Leeming
- The proposed site of the development will produce light pollution throughout the night as the site is 24 hour working
- The proposed development is close to adjacent private residences which will be directly affected if the application is granted.
- Other residences in the village will be affected both by the vehicle traffic, light pollution, air pollution created by the influx of HGV vehicles entering and egressing the site over the 24 hour period
- The residents are not against commercial enterprise as can be seen by the adjoining RAF base and the former Lorry Park which occupied the site prior to this planning application being made
- Oil fuel spillage which may arise from the site following a leakage is hazardous to residents health as the oil spill it is believed will enter the main drainage system having serious environmental impact
- If the application is granted, then applications may follow for the storage of petroleum and gas which has its own fire and environmental problems
- Property values will be seriously affected by the granting of an industrial type enterprise
- The site would be a fire hazard to all adjoining properties and beyond
- Such development schemes should be located on Industrial sites and not in a village environment. Such industrial type sites are present in the locality and are well away from residential properties
- The proposed development is near to the RAF Leeming air base and there is potential for terrorist attack/infiltration to a fuel storage facility
- There is no direct access to or from the A1 road network
- There would be air pollution from the vapours given off by the storing and dispensing of kerosene on the site

The Parish Council has not changed its stance on the amended planning application and wishes its objections against the initial proposal to stand without amendment. The Parish Council considers the amendments suggested by the applicant do not change the application in principal.

4.2 Highway Authority – no objection; conditions recommended.

4.3 Highways England - no objection.

4.4 Environment Agency - no objections subject to conditions relating to soakaway drainage, pollution control, containment against accidental spillage and foul drainage.

The oil storage will have to follow guidelines in relation to the Control of Pollution (Oil Storage) regulations 2001. If there was a spillage from the site which polluted water or groundwater, the Environment Agency would become involved. However, due to the scale of the site, we would not proactively visit or monitor this site. It would be up to the applicant to ensure the water environment was sufficiently protected. Our initial response provided a number of conditions which were recommended in order to protect the water environment.

4.5 Yorkshire Water - no objections in principle to:

1. The proposed separate systems of drainage on site and off site

2. The proposed amount of domestic foul water to be discharged to the existing on-site connections
3. The proposed use of the petrol/oil/grit separator/interceptor as submitted on drawing L015014-008 (revision E) dated 29/10/2015 that has been prepared by Wardman Brown. It is noted that the submitted drawing shows surface water proposed to be drained to soakaway.

4.6 Ministry of Defence - whilst we have no safeguarding objections to the proposed fuel storage facility, the MOD recognises that cranes may be used during the construction phase to lift the fuel tanks onto the site. Cranes in the vicinity of aerodromes are of concern to the MOD. Therefore, if cranes are to be used during the construction phase it will be necessary for the developer to liaise with the MOD prior to the erection of any cranes or temporary tall structures. The MOD requests an informative note is included in any planning permission granted obligating the applicant to consult the DIO Safeguarding section prior to deploying cranes or other tall plant equipment on the site to ensure it will not affect aviation safety.

I can also confirm that we do not object to this application provided that the development is carried out strictly in accordance with the details given in the application and supporting documents. In particular as an adjoining landowner it is important to us that in order to prevent major spillages and contamination from polluted water that the proposed fuel storage tanks are fully bunded and that the new full retention oil water enviroceptor is provided.

If any decision can be conditioned to ensure that the development is carried out fully in accordance with the submission then we have no objections.

4.7 Health & Safety Executive - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Additional information from the HSE has been submitted as follows:

HSE's role in the planning process is limited to that of statutory consultee on:

- (a) Relevant developments within the consultation distance of major hazard sites and major accident hazard pipelines – see the Schedule 4(e) of the Town and Country Planning (Development Management Procedure) Regulations 2015; and
- (b) Applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015.

A major hazard site is one which requires hazardous substances consent to hold a specified quantity of a hazardous substance in accordance with Schedule 1 of the Planning (Hazardous Substances) Regulations 2015. Major accident hazard pipelines are defined in the Pipelines Safety Regulations 1996. HSE sets a consultation distance around major hazard sites and major accident hazard pipelines and planning authorities are required to consult HSE on relevant developments within a consultation distance.

As the proposed site for the fuel storage depot in planning application 15/02095/FUL does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, HSE is not a statutory consultee in respect of this application and therefore HSE has no comments to make.

The planning application indicates that the proposed fuel storage depot will hold up to 375 tonnes of Kerosene, Gas Oil and Diesel. These substances fall under the category of 'Petroleum products and alternative fuels' in Schedule 1 of the Planning (Hazardous Substances) Regulations 2015, and the threshold quantity at which hazardous substances consent is required for these substances is 2,500 tonnes. Therefore, the proposed fuel storage depot would not require hazardous substances consent.

If planning permission is granted for the fuel storage depot, during its construction and when operational it will be subject to the requirements of the Health and Safety at Work etc. Act 1974 and any associated relevant legislation. This includes the requirement on the operator of the site to ensure so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site.

- 4.8 North Yorkshire County Council Trading Standards - The controls of this type of installation are not within this Authorities remit. Consultation for this should be sought with the Environment Agency.

I can give comment on the application though as Chairperson of NERPECG (North East Region Petroleum and Explosives Consultation Group) and also as a member of PELG (Petroleum Enforcement Liaison Group).

I would advise that providing the site is built with consideration to the Blue Book Guide (Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations) which is an industry standard guide which covers the use of above ground storage tanks which is equally applicable to diesel and petrol. It also has reference to drainage including interceptors and the flow rate acceptable of spilt fuel over drainage channels that there should be no issues with the application.

Having looked at the plans there appears to be drainage for the tanker standing area where the above ground tanks are filled at the side but where the three fill points are indicated at the front edge of the tanks the tanker appears to stand outside of the drainage area. I personally would like to see both tanker offload area within the drainage channels. Due to the size of the fuel tankers I would also want a suitably sized interceptor installed and not a standard 10k litre one.

- 4.9 HDC Environmental Health Officer - I have assessed this application focusing on the potential impacts from noise, odour and light pollution.

Noise

The chosen location for this proposal is in an existing noisy environment (next to the A1 and RAF Leeming). The site has been used as a haulage yard with HGV's coming and going regularly and this department have not received any complaints in relation to this activity.

In my opinion the proposed storage facility would have less of a noise impact than the haulage yard due to the proposed operating hours for the loading and unloading of vehicles. Monday to Friday 6am to 6pm, Saturday 7am to 1pm, with no loading and unloading on Sundays and Bank Holidays. There were no controls on vehicles leaving and arriving at the site previously.

In my opinion given the existing noisy environment and the proposed loading/unloading times the noise levels generated will not have any additional impact on the noise levels the residents are already subjected to.

Odour

I am satisfied that the carbon filtration system which has been proposed to minimise odour from the storage tanks is sufficient and provided that this system is maintained e.g. filters are replaced when required there will be no impact on amenity in relation to odour.

Lighting

The applicant has submitted a scheme for the lighting of the site and it appears to be satisfactory. Therefore the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the changes taking place.

The external flood lighting shall be arranged so as not to shine directly towards any dwelling.

- 4.10 HDC Conservation Officer - It must be remembered that the use of the hardstanding area already has permission for use as a haulage yard and therefore a number of principles have already been established; namely that the land can be used for the parking of large lorries / vehicles; the hardstanding is permitted; and the activity associated with the existing permission has to be taken into consideration.

Londonderry Lodge is situated on the former Roman road between London and Scotland. Originally constructed as a house in the 1760s, the Lodge is positioned to gain maximum benefit of views of the Cleveland Hills to the east and of the Yorkshire Dales to the west. The views to the west have recently been significantly compromised by the construction of the A1(M) on a raised bund, however it is clear to see how prominent the Lodge would have been within the landscape.

With regard to setting there are a number of things to consider:

1. The relationship with the former Newton House and the outbuildings to the north of Londonderry Lodge.
2. The significance of the garden wall and intervisibility between it and Lodge.
3. The appropriateness of security fencing around the site.
4. The impact on the wider setting of the listed building.

Newton House was constructed just after Londonderry Lodge and elements of the estate remain, such as the stable block with carriage archway, a single squared gate pillar, the substantial boundary wall to the grounds and the Gardener's Lodge further to the north. Londonderry Lodge later became part of the Newton House estate and therefore this link is of significance. Alterations to the Lodge have reduced the legibility of the relationship between it and the stable block, however the proposed development will not adversely affect this relationship.

It is my opinion that the proposed fuel storage tanks will have no further harm to the character or setting of the listed building than the existing use of the site as a lorry park. With appropriate boundary treatments and new landscaping, the current appearance could be improved. I would like to establish the short to medium term future of the listed buildings on this site to ensure they are maintained in an appropriate condition.

- 4.11 Site notice/local residents - a significant number of objections have been received from residents of the village and the surrounding area. No comments have been

received in support of the proposed development. Approximately 100 objections have been received, raising concerns regarding the following matters:

Suitability of location

- This is not an industrial estate
- There is an industrial estate at Leeming for which this type of development is ideal
- The village is close to RAF Leeming, the A1, there is a scrap yard at the bottom of the village and now a massive fuel storage depot
- This is not a retention/continuation of an established business on the site
- My understanding of the Town and Country Act is that it should allow for the planning and development of land for its best use and the environment. Londonderry is a village, and villages are where people live, and are not where you store and distribute fossil fuels. Now that the petrol station has closed, it may be time to revisit the Local Plan in terms of its designation of land use for the Lodge and the redundant petrol station, and take the opportunity to revitalize Londonderry as a proper village
- there is a perfectly, purpose built new location further up the road which is a service station designed specifically for haulage vehicles and those using/coming off the A1 Motorway
- The fact there is a garage in the village does not make it an industrial area
- unsustainability located in terms of its proximity to the trunk-road network, contrary to policies CP1, CP2, CP4, CP10 and CP15 which support employment uses in settlements relative to their scale and function with a view to minimising travel
- Applicants should be encouraged to seek industrial/business setting not a village environment
- The Lodge was previously in operation as a public house and café. This facility was enormously beneficial to the community. The building also served as a newsagent and general dealers. A more sensible option would be any scheme which would benefit the community and facilities for the community, in line with the objectives of the Localism Act
- The current industry on the north of the village developed because of the village's position on the Roman Road and the proximity of the A1 when post-war planning law was in its infancy, and I feel in all honesty that if the industry had never developed in the past and planning permission were to be applied for today, it would not be granted.
- A fuel storage depot would degrade the Lodge further, and would destroy any future residential development or expansion of the village as the village would be effectively permanently hemmed in by industry and the RAF base on the north, east and south.
- You have a duty of care to us as residents of this county. You surely have a moral and ethical duty to support us in refusing this, or any other absurd proposal which would allow any sort of fuel storage and distribution centre at this or other sites close to residential developments, and to a site of heritage.
- The applicant's consultant also makes a reference to there being a refuelling garage next to the proposed site in support of the application. This is incorrect, as the refuelling garage has now been closed down and the former owner has relocated this facility to Coneygarth Services at Leeming Bar. The former refuelling garage has been decommissioned. The recently arrived current occupants, Ward Haulage Limited, have, as a condition of their purchase agreement, been advised that they cannot have any refuelling facility on site

Impact on residential amenity

- Increased light pollution
- Extra noise from tankers, noise from engines, reversing warning beeps, tankers being refuelled and emptying into the storage tanks, people shouting, wagon doors being opened and closed
- Smells from so much fuel storage will be unbearable; the village will be permeated with the smell from fuel vapours and fumes
- There is a boundary wall between Woodlands and the proposed site, but it does not run along the boundary at a continuous height of 3.5 metres, as implied in the planning proposal supporting document. The wall is staggered and it would not be of sufficient height to fully screen the back of the storage tanks
- The gable end wall of Dobson`s Barn actually forms the boundary where the applicant wishes to install the fuel storage facility. The inlets and exhaust vents of this property lie on the south side of the proposed site, so this would create multiple health and safety risks for the occupants
- Light pollution is of serious concern, especially to those residents who leave for work during the early hours of the day. Sleep patterns would be adversely affected
- The reduced opening hours also make little difference - there will still be a significant amount of heavy goods vehicles parking, turning and reversing at the entrance to the lane, causing noise and pollution and general disruption to a rural peaceful village
- Storage tanks will be placed against the boundary to a residential property
- My house is the boundary with the site and the kitchen is at the gable end of the house. The flue from solid fuel AGA cooker and heater is on this wall and is used 24 hours a day. There is a family room which runs the length of the boundary and has multi fuel stove with a flue extending out of the roof at only 4.5metres from the ground. We regularly burn wood in this heater and I consider this would be too dangerous if there was a fuel store on the other side of the wall.
- Poor quality of life for residents - personal safety, unable to open windows, use gardens, increased litter
- (The agent and applicants) have not visited the site and looked at it properly, nor spoke to the residents. They still have Dobson's Barns buildings shown incorrectly. What they have marked as outbuildings is actually the house! They have not entered garden areas into the plan, where outdoor seating areas would be virtually impossible to enjoy. Nor have they got Lovatt cottage or Newton Manor displayed on their map. The area marked as commercial property is still occupied by many people through the day. Dobson's Barn residents can hear every word spoken if using their toilet or bedroom or outside in their garden. Woodlands have similar problems and I myself can hear when workers are talking or work is being carried out in the yard.
- Fitting carbon filters may eliminate some odours but I fail to see how it would eliminate enough from various activities to prevent the smells permeating to our home environment. It would still not eliminate the vapour hazard risk either!
- There are 9 homes shown here within 25 metres of the site and a further 2 hidden from view beside South View. So, 11 families live beside this proposed site and a further 30 families are within 500 metres
- Detrimental loss of amenity to local residents by virtue of noise disturbance, light pollution, smells, vapour, dust and heavy vehicle movements, contrary to policies CP1 (Sustainable development) and DP1 (Protecting amenity) of the Local Development Framework which require new developments to adequately protect residential amenity
- A 'Noise Assessment' produced by suitably qualified personnel should be requested, as a thorough assessment of noise impacts cannot be reasonably undertaken without one
- This application refers to a site neighbouring Londonderry Lodge and it had a condition placed upon it by HDC stating "no external lighting". This application

was further away from domestic dwellings than the proposed application at Londonderry Lodge which shares borders three domestic dwellings. This lighting scheme would be totally intrusive to neighbouring properties and detrimental to the inhabitant's health and welfare.

- A statement from the agent actually allows vehicles movements outside the stated times and implies that the pumping on and off of vehicles will be disturbing for residents
- The fact that their advertising states their opening hours are 24 hours 7 days a week, contradicts their reduction in hours.
- these lights will be floodlighting the site and over spilling into all the adjacent properties will be unacceptable
- The lighting specification forwarded has many omissions and shows no impact on the surroundings as it only shows light levels at ground level within the site. As everyone knows, light does not stop because there is a site boundary and there will be light pollution vertically and horizontally from these lights which amount to nearly 3000 watts
- Each lighting stand will have 600 watts of energy. To put this into everyday terms, most home security lighting is 500 watts at most and only stays on for seconds when tripped
- The Committee's decision regarding this application should be based on the real safety issues for the residents of Londonderry, as well as common sense and the huge impact this development will have on the Human Rights and Amenity of Londonderry residents
- Environmental Health have in fact got everything wrong in their response, again this is due to working from flawed information, therefore their response as a Statutory Consultee should be disregarded completely.
- The noise, headlights, exhaust fumes and road dust from HGVs on top of the fuel vapour created would be unbearable and have an overwhelming effect on the quality of life of local residents
- Noise from vehicles manoeuvring within the site; vehicle reversing alarms; fuelling of the storage tanks by the bulk delivery vehicles and fuelling of the delivery vehicles will all cause noise nuisance and disturbance. There will be slamming of vehicle doors and shouting from drivers to overcome the general on-site noise.
- There will be additional task lighting on site for which there is currently no information.

Environmental and visual impact

- Putting up fencing may hide the storage tanks but will make our village look like a prison
- Spillages would cause problems for the environment
- Planting trees in a woodland will effectively reduce the carbon footprint i.e. CO2 output, this I agree with. To imply that this will have an effect in the air quality of the village is ludicrous, these are "buzz words" only to pay lip service to the Planning Officers
- Animal casualties/habitats
- The proposed 6' fencing will not hide 11' high structures
- On site spillages will eventually get into the village drainage system
- visual impact on village surroundings

Impact on listed building

- The site is within the curtilage of a listed building
- No listed building consent has been applied for

- Londonderry Lodge is an eyesore and the owners should be encouraged and assisted to improve appearance by local authorities/heritage organisations because of its listed status
- Londonderry is a traditional country village consisting mostly of historic properties, with several properties over 200 years old
- It is hard to see how the tanks are in keeping with the grade II listed building
- The significance of a listed building is not confined solely to the structure itself, but incorporates the setting within the curtilage of the building as well as its wider architectural, archaeological and historical setting within the village and local area. And this village is rich in history. It deserves to be conserved for future generations.
- This statement suggests that the developers believe, as a result of the listing content and previous treatment of the building with regards to planning and listed building consents, that the only parts of the building which should be safeguarded are the roadside elevations. There is no further attempt to understand why the building is significant and how their proposals will impact upon that significance. There is a plain assumption that what has been allowed to happen to the site in the past paves the way for similar treatments in the future. I find it appalling that, in their second planning submission, the words 'listed building' do not appear even once
- Now that the A1 has been upgraded, and Londonderry effectively bypassed, the majority of the heavy haulage industry has relocated to land designated for industry. Although I recognize that Londonderry Lodge should not be empty, and that the best way to protect a listed building would be for it to have an appropriate use with funding to maintain it fully, and creating an oil storage depot within what was the walled garden of the Lodge would discourage any tenants or owners of the Lodge from developing or maintaining it properly
- The proposed development would have a detrimental impact on the setting of Londonderry Lodge, contrary to policies CP16 (Protecting and enhancing natural and man-made assets) and DP28 (Conservation) which seek to preserve and enhance the District's historic heritage

Traffic and access

- Added heavy traffic
- The entrance to the site is an access road to an emergency gate for the RAF
- Heavy loads will take a huge toll in the roads accessing the slip roads to the A1
- The provision for the parking of employees' transport has not been included in the Planning Application. The number of parking spaces required is not mentioned, although a number of 15 employees (yard workers?) is mentioned, this number could be pessimistic as delivery drivers are not mentioned who will also require parking spaces, one presumes
- There is a history of accidents at the junction over the bridge at Londonderry involving cars due to poor design and visibility. This being the case with trucks being slower than cars it would be a clear and present hazard to allow this development
- There are several residents in the village who have horses. They ride them daily out of and back into the village. An increase of traffic to the village of the magnitude I have already mentioned would be a serious threat to the safety of both horse and rider
- Full size, 44 tonne bulk delivery tankers would have great difficulty turning safely in the yard, due to the positioning of the storage tanks, parked tankers, office building and parking area. This would mean they would have to reverse into the yard, from the main road, bringing with it further traffic hazards

- an articulated lorry with a trailer reversed back onto the main road and crashed into the concrete barrier opposite the junction when they could not gain access to Londonderry Lodge
- We are still on a daily basis suffering HGV's through the village and having to reverse back up the road, and churning up the grass verges, and along with Exelby, Leeming and Newton Parish Council have previously made requests that ALL signage is removed from the A6055 stating Londonderry Lorry Park
- Regardless of whether HGV's are instructed to avoid the Leeming to Londonderry road if it suits them they will use it. Other HGV's already do so.
- Increased road traffic on the inadequate service road A6055.

Safety issues

- There will be a fire risk along with fumes accumulating in a residential village
- The site is within the outer explosive safeguarding zone surrounding RAF Leeming yet the applicants want to introduce combustible materials
- Introduction of a potential terrorist target
- It is possible that there could be a major incident at the site, the explosion at Aiskew many years ago in a residential area and more recently the Buncefield disaster are proof of this
- There is only one road in and out of Londonderry, which would make evacuation dangerous
- RAF Leeming should be informed of the use of cranes
- A1M motorway within 250m of the site. Any incident could spread to the motorway, RAF Lemming main runway and most of the residential properties in the village
- Potential increase of petty vandalism/theft/associated unsocial behaviour introduced to our village
- Looking at the Health and Safety aspect this would prevent emergency vehicles accessing the village, as the village is a cul-de sac, with this the only thoroughfare it must be also noted that the closest Fire Stations are at Northallerton or Ripon both a fair distance away
- The Buncefield disaster was caused by overfilling a tank, a result of poor maintenance and human error. It would be negligent not to consider the lessons learnt from Buncefield
- Residents' chimneys and BBQs could ignite vapours and cause a fire or explosion
- Looking at the Health and Safety aspect this would prevent emergency vehicles accessing the village, as the village is a cul-de sac, with this the only thoroughfare it must be also noted that the closest Fire Stations are at Northallerton or Ripon both a fair distance away
- The harmful effects of venting fuel vapour on the surrounding environment, including the residents and properties in the village and the agricultural land, livestock and wildlife is of extreme concern
- Though the fuels involved are of a lower volatility in comparison to petrol, the vapour flammability hazard from them is still very high
- Inadequate information has been provided to demonstrate that the proposed development does not pose an undue risk to health and safety of local residents, contrary to Policy DP42 of the adopted Development Policies DPD
- DSEAR regulations state, in its control measure for such sites, that ignition sources should be kept away from the site. Impossible to do as the various chimneys surrounding the site and various sources of ignition such as people lighting garden fires, smoking, fireworks etc.
- There are blatant errors in the details, of which I have considerable knowledge, indicating that a thorough and educated design team are at best lapse-a-daisical, showing a complete lack of professionalism

- This is designed to capture contaminated run-off water from the operating yard and send it through a full retention interceptor before entering the main sewage system drain. Have Yorkshire Water been consulted over this? Would the full retention interceptor be adequate enough to contain a major fuel spillage?
- If the applicant was granted permission to install the fuel storage facility, there would be nothing to stop them from changing the proposed type of fuel stored to an even more hazardous type, IE petrol, at a future point in time. Nor would there be anything to stop them from installing more storage tanks or increasing capacity of the ones proposed in this application
- DSEAR Regulations regarding a Non Ignition Source Zone, will be impossible to achieve
- How is BWOC going to manage (through risk assessment) the ignition sources from nearby properties
- The applicant has not yet supplied a robust Emergency Response plan for this site.

Issues have also been raised regarding the effect on housing values and cost of house insurance and details of the marketing undertaken by the applicant, which suggests that they will be moving to the Bedale area soon but these are not considered to be material planning issues.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the principle of the use of the site as a fuel storage depot, the effect of the proposed use on the amenity of local residents, the visual impact of the proposed development, the impact on the setting of the adjacent listed building, the effect on highway safety and health and safety issues.
- 5.2 The objections of residents relate to noise, smell and light pollution; contamination; increased traffic and impact on road safety; risk of explosion; visual impact; drainage; the effect on house prices and the need for listed building consent. These matters are discussed below. However, it should be noted that not all matters raised fall within the remit of planning. Along with other non-material considerations matters which are more properly controlled by other regimes should not be considered within the planning merits of the application. In particular these matters relate to safety issues and technical matters relating to the storage of fuel. It is not the role of the planning system to duplicate controls operated under different regulatory regimes, or to provide a level of detailed control that those regimes do not require.

Principle of the use

- 5.3 Paragraph 28 of the National Planning Policy Framework (NPPF) requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making.
- 5.4 The Council, in its Local Development Framework (LDF) has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.5 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community's housing, economic and social requirements

and protection of the environment, the minimisation of energy consumption and the need to travel.

- 5.6 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.7 The policies of the LDF support economic development in sustainable locations. The site lies outside any defined Development Limit boundary and therefore, in normal circumstances, an exceptional case must be made for development in this location. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated. The application site has an existing commercial use and, prior to the existing haulage yard, it was used as a truck stop. The Local Planning Authority must therefore consider whether there is any greater adverse impact from the proposed development than the existing authorised use.
- 5.8 The principle of an alternative commercial use is acceptable due to the existing authorised use of the site, but it is important to consider whether the scale and form of activity is acceptable in the proposed location adjacent to domestic dwellings and whether the impact on the character of the area or residential amenity would be any greater than the existing authorised use. The use of the site was changed in 2014 for use as a haulage yard with no restrictions on hours of operation but vehicle parking limited to 11 truck units.

Impact on residential amenity

- 5.9 LDF Policy DP1 (Protecting Amenity) stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. There is a risk of noise, odour, light pollution and general disturbance as a result of the proposed activities at the site.
- 5.10 The Council's Environmental Health Officer considers that the existing environment experiences a high level of background noise as a result of its location close to the A1M and to RAF Leeming. The proposed restriction on the hours of operation with regard to loading and unloading is considered by the Council's Environmental Health Officer to improve the current unrestricted operation of the haulage depot where vehicles are able to use the site at any time of the day or night although the number is restricted to 11 trucks and 11 trailers. The proposed hours of operation submitted by the applicant would not preclude vehicles entering and leaving the site; it is the intention to prevent the emptying and filling of the tanks between the stated hours. A condition that also prevented vehicles entering or leaving the site could result in vehicles waiting on the highway thereby causing disturbance.
- 5.11 There is a potential for the proposed use to have an odour impact on the dwellings in the village. The scheme proposes to fit tanks with passive activated carbon filters. The Environmental Health Officer considers this would be adequate providing the system is maintained. A condition can be imposed requiring the inclusion and maintenance of these filters.
- 5.12 A lighting scheme has been submitted, which proposes to install light units around the perimeter of the site facing inwards. The Environmental Health Officer has confirmed that the scheme is acceptable subject to the arrangement of the floodlighting so that it does not shine directly towards any dwelling. An appropriate condition can be imposed to ensure this takes place.

- 5.13 The increased levels of lighting required to allow the operation of the site as proposed would have an impact on the character of the site. The current lighting arrangements mean that the site is visually low key and has little impact on the character of the area other than the parking of the trucks themselves. Even taking into account the proposed operational hours of the site, the proposed lighting would be in use for extended hours during the winter months.
- 5.14 The proposed lighting, tanks and pumping activities would create a far more overtly industrial character and it is considered this would be detrimental to the character of this part of Londonderry where the more industrial garage facilities to the north of the site are visually cut off from the remainder of the village by the high walls of the buildings which abut the service road. This additional industrialisation is considered to be harmful to the amenity of neighbouring residential occupiers.
- 5.15 The Environmental Health Officer is satisfied that the development would not have a greater impact on residential amenity as a result of noise, odour, light pollution or general disturbance than could occur with the planning permission that currently exists at the site.

Visual impact and impact on the character of the area

- 5.16 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.17 The site has an existing planning permission for the parking of up to 11 HGVs although it is no longer in use at its maximum capacity. The proposed development would result in structures of a more permanent appearance and therefore have a greater visual impact on the surrounding village streetscene.
- 5.18 The proposed tanks have a maximum height of approximately 3m, which, whilst not excessive would create an industrial form in this location. The tanks, whilst located toward the back of the site would be visible from outside the site as glimpses between the existing buildings.
- 5.19 Combining the change in the character of the use, including the location of relatively large tanks along with the requirements for lighting, it is considered the character of the site would increasingly change from a truck parking area to an industrial depot. LDF Policy CP17 requires proposals to respect and enhance the local context including its urban design, landscape, social activities and historic environment. The application site is currently commercial in use but set within a residential, village context. This change in character is considered to be detrimental to the character and appearance of the village and as such the development is considered to be contrary to LDF Policies CP17 and DP30.

Impact on setting of the listed building

- 5.20 The NPPF paragraph 129 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development assessing the setting of a heritage asset). The Planning (Listed Buildings and Conservation Areas) Act 1990 states that when making a decision on all planning applications for development that affects a listed building or its setting, a local planning authority must have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact of any development on the setting of Londonderry Lodge is therefore material to the consideration of the planning application.

- 5.21 The application site was originally the garden of Londonderry Lodge and although continued in recent years to be used in association with the Lodge, as parking for the café, it has more recently become a separate site with an independent use. The authorised use of the hardstanding is now for the parking of trucks and trailers; Part of the Lodge is understood to be used as a dwelling by the owner. Given the historical separation of the Lodge from the yard, which is the subject of the planning application, the yard is no longer considered to lie within the historic curtilage of the Lodge. The Council's Conservation Officer concludes that the evolution of uses at the site, together with extensions to the building itself, has had an adverse impact on the character of the building and the original setting of the building has been lost.
- 5.22 It is important to consider whether the proposed use and structures would have a more harmful impact on the setting of the listed building than the existing authorised use. The proposed timber fencing, which would replace galvanised fencing, would be an improvement as it would result in a less harsh and utilitarian feature in such close proximity to the building. Despite the view previously taken that they would create a perception of greater industrialisation of the area, the proposed tanks are not considered to impact significantly on the historic setting of the Lodge. The proposed development provides an opportunity to improve the appearance of the site by erecting timber fencing to replace the galvanised fencing and by implementing a landscaping scheme.

Drainage

- 5.23 The proposed development must comply with Control of Pollution (Oil Storage) Regulations. These are regulations, separate from planning matters that would address any spillage.
- 5.24 The application site does not fall within an area of flood risk but there are issues surrounding the groundwater and the Environment Agency has recommended conditions to ensure the water environment is sufficiently protected from contamination.
- 5.25 Yorkshire Water has agreed that surface water drainage, other than clean roof water, can be discharged into the existing sewerage system. The developer is required to consult with Yorkshire Water's Industrial Waste Section on any proposal to discharge a trade effluent to the public sewer network.

Highway issues

- 5.26 There is significant concern from the local community that the increase in the number of vehicles would cause implications for highway safety in the village and the surrounding road network. It is proposed to employ 8 staff associated with the site; 4 of whom would be delivery drivers and 4 would be based at the site itself. A total of 16 vehicle movements were anticipated when the use was originally proposed to operate over a 24 hour period, with six tanks on site. The scale of the development has been reduced from six tanks to three tanks and therefore the number of vehicle movements is likely to be much lower. Furthermore, the operating hours are no longer proposed to be 24-hour but 6am to 6pm Monday to Friday and 7am to 1pm on Saturday. The authorised use of the site would allow the parking of 11 trucks and trailers, with no restriction on hours of operation, which could give rise to a significantly greater number of vehicle movements and which the local road network

would have to accommodate. Given that the road to the south of the site is no longer a through road, it is unlikely that vehicles should have to travel further south into the village than the junction at Londonderry Lodge.

- 5.27 The Highway Authority confirms that there is adequate space within the site for vehicles to park and turn and there should be no requirement for vehicles to park outside the site.
- 5.28 The Highway Authority and Highways England have no objections to the proposed use in this location.

Safety issues

- 5.29 Health and safety issues are not matters that the Planning Authority can take into account as these are dealt with by separate regulations. Non-planning related regulations include:
- COMAH (Control of Major Accident Hazards Regulations 2015) enforced by the Environment Agency and the Health & Safety Executive. The site falls well below the threshold of 2,500 tonnes of petroleum products and therefore these regulations are not relevant.
 - DSEAR (Dangerous Substances and Explosive Atmospheres Regulations) 2002 concerns worker health and safety in those workplaces where potentially explosive atmospheres may be present, implemented by HSE.
 - Hazardous Substances Certificate issued by HSE where relevant. Whilst there are some hazardous substance controls under the planning acts, these are dependent on the nature and quantity of the substance in question. The proposed storage of 350 tonnes falls below the relevant threshold of 2,500 tonnes and therefore Hazardous Substance Consent is not required.
 - Control of Pollution (Oil Storage) Regulations 2001, implemented by Environment Agency

This is not an exhaustive list but illustrates some of the controls in place to ensure the safe operation of the proposed use.

Other matters

- 5.28 The comments made by local residents regarding the reduction in house values, the increase in the cost of home insurance and the marketing strategy of the potential operator are not planning considerations. Any proposal in the future to expand the business would require further planning permission.

Conclusion

- 5.29 The NPPF and LDF policies accept that the economic development should be encouraged but not to the detriment of interests of acknowledged importance such as the amenity of local residents or the character of the area and should only be approved where impacts can be made acceptable. It is important to support health and wellbeing. The proposed development whilst resulting in relatively minimal change to the character of the site would result in an industrialisation of a site located immediately adjacent to residential properties within a predominantly residential street. The proposed development, by virtue of the proposed lighting and increased industrial character is considered to be harmful to the character of the village and subsequent impact on the residential amenity of the locality. Refusal of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason.
1. The proposed development, including the proposed site lighting, would result in a change of the character of the site to form a more industrial setting within the village, in close proximity to neighbouring residential properties to the detriment of the character and appearance of the area contrary to LDF Policies CP17 and DP30. The impact on residential amenity would be contrary to LDF Policy DP1.

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Change of use of agricultural land, demolition of agricultural buildings, construction of new building for food production, warehouse and distribution purposes, change of use and extension of traditional building to provide visitor facility, staff gym and offices and construction of additional vehicular turning area for the relocation of the existing business

**at Leeming Lane Farm, Leeming Lane, Sinderby
for Thirsk Food Logistics Limited (Heck)**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the eastern side of the A6055 which runs parallel to the A1, and is close to the junction with the B6267 Masham Road. The site is currently a vacant farm covering an area of just over 1 hectare. The buildings on the site include the original farmhouse, which is currently unoccupied, and a group of traditional brick farm buildings located immediately adjacent to the roadside. More modern agricultural buildings, including former pig sheds, are located centrally within the farmyard area and along the northern and western edges of the site.
- 1.2 A dwelling that lies immediately to the south of the application site was originally associated with the farm but is now occupied independently by members of the applicant's family.
- 1.3 Access to the site is from the B6267, approximately 330m to the west of the roundabout at the junction. A tarmacked road runs parallel to the Masham Road and the A6055 before reaching the farmyard.
- 1.4 It is proposed to relocate an existing business to the farm; the proposal would include the removal of the modern agricultural buildings (covering an area of approximately 1,900 sq. m) and the construction of a food production building incorporating warehousing and distribution elements. The building would have a floor area of approximately 1,700 sq. m and a maximum height of 8.8m. Offices to be occupied in association with the business are proposed within the existing farmhouse.
- 1.5 It is also proposed to convert buildings adjacent to the farmhouse to form a visitor centre with classroom space, an education workshop, a refreshment area and an outdoor play and picnic area. Visitors to the site would be restricted to the site operation hours and subject to pre-arranged times.
- 1.6 The business has an existing facility (approx. 300 sq. m) in a starter unit at Leeming Bar Industrial Estate where a total of 21 staff are currently employed. The business has outgrown this facility. A secondary site near Wath is rented and used for storage and distribution, employing a further 17 staff. Further storage is undertaken at the applicant's farmstead near Kirklington.
- 1.7 The proposed scheme is to consolidate all existing parts of the business and allow for future expansion. A total of 70 staff would be employed in the longer term at the new production facility and visitor centre.
- 1.8 The planning application includes the following documents:

- Design, Access and Heritage Statement
- Travel Plan
- Transport Assessment
- Preliminary Assessment of Land Contamination

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP4 - Access for all
 Development Policy DP9 - Development outside Development Limits
 Development Policy DP25 - Rural employment
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP34 - Sustainable energy
 Development Policy DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Kirklington with Sutton Howgrave Parish Council - approve the application.
- 4.2 Wath and Norton Conyers Parish Council - the proposed development appears to be at a site with good road links.
- 4.3 Highway Authority - the existing access onto the B6267 at Lime Lane is satisfactory for the proposed development; conditions are recommended.
- 4.4 Highways England - no objection.
- 4.5 Yorkshire Water - condition recommended.
- 4.6 Environment Agency - we have no objections in principle to the proposed discharge, subject to satisfactory results from percolation tests. The drainage field should be located more than 10m from drains or watercourses. The applicant should ensure that adequate oil and grease separation takes place prior to discharge to the drainage field. The package treatment plant and drainage field should be adequately sized in order to treat the effluent to a satisfactory standard.
- 4.7 Environmental Health Officer - no objections or recommendations to make. The site is adjacent to the A1, cafe/lorry park to south and caravan storage site to south west. I don't think that the residential accommodation associated with the Quernhow Café will be affected by noise from the development because of the already high noise

levels with being adjacent to the A1 and A6055. The Bungalow is closer and I agree more information about the bungalow's occupation would be useful but I believe the day and night time noise levels this property is currently exposed to because of road traffic noise will be up to and in excess over 60dB and I think it unlikely noise from the development will be discernible above the background noise.

4.8 HDC Senior Scientific Officer - The applicant has submitted a Preliminary Assessment of Land Contamination form which does not identify any potential fuels or chemicals, waste disposal or burning having ever taken place on the site. However, given the long established agricultural use it is possible that some contamination exists which may not be apparent from a visual inspection. There are numerous buildings which may also contain asbestos materials, and therefore I would recommend a condition to investigate and, where necessary, remediate any contamination that poses a risk to human health or the wider environment.

4.9 HDC Economic Development - supports the application for a number of reasons:

- The business was established in Hambleton and is out-growing their current premises.
- The application site is within Hambleton, therefore it is envisaged that all of the jobs that have so far been created will remain in the District
- In addition the business is looking to grow and create further employment in a variety of different roles.
- The education centre supports a valuable role in promoting the food industry as a whole and helping to demonstrate the variety and scope of employment options on offer to a new generation of employees. It will also promote local food production of which there are many fine examples in Hambleton.
- The company spends a lot of time and money investing in innovative equipment and product development in order to be at the forefront of its industry and is a business that we would hope to retain in the District
- It will be helpful to see some proposals on if/how the site can cope with parking for additional traffic should it be required

4.10 Site notice/local residents - A letter has been submitted on behalf of Kirklington Estates (owners) in support of the application, which is summarised as follows:

- This is an opportunity to bring a positive new use to the site which is subject to dilapidation and a need for positive investment
- The scheme will reinforce the applicants' local association in terms of their agricultural activities
- The applicants' ingenuity and business initiative should be encouraged with the diversification of their farming business bringing a notable benefit to the local rural economy both in terms of local employment (on a direct basis) and also in the wider supply network
- The Estate will benefit, with sale proceedings helping to finance the Estate's activities, many of which include significant heritage assets and also which provide affordable local housing to rent.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the development in this location; the loss of agricultural land; the effect of the new buildings on the character and appearance of the rural landscape; the impact on residential amenity; and highway safety.

Principle of development

- 5.2 The site lies outside the Development Limits of any settlement. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated.
- 5.3 Paragraph 28 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas and to promote the development and diversification of agricultural and other land based rural businesses.
- 5.4 The Council has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future populations, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.5 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with the community's housing, economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.
- 5.6 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport. A travel plan has been submitted with the application with the aim of minimising the number of vehicle trips made by staff.
- 5.7 Consideration of alternative locations has been given by the applicant, including sites outside of the District. The potential for relocating within the Leeming Bar Industrial Estate has also been considered. A search over an extended period of time for a site close to the A1 corridor and within a radius likely to allow retention of existing staff, has taken place. Other options were discounted for various reasons including the timescale for site availability and the size of sites available. Existing allocated land at Leeming Bar would be inadequate for their purposes and the time frame for future allocations of land would not fit within their now urgent requirements.
- 5.8 The proposed visitor centre would be provided within the existing buildings at the site including the farmhouse. Policy CP4 is generally supportive of re-using existing buildings for purposes that would help to support a sustainable rural economy. It is also recognised that a rural location rather than an industrial estate is the aspiration of the applicant in order to retain a farm-based focus to the business. In this respect the proposed development is in accordance with Policy CP4 but the visitor/education centre is a secondary part of the proposal, the major part of the scheme being the proposed food production factory.
- 5.9 Criterion ii of LDF Policy CP4 allows development to be approved exceptionally where it is "necessary to secure a significant improvement to the environment". The existing site is clearly visible from the surrounding roads although existing landform and hedgerows do reduce the impact from longer range views. The site is currently poor in terms of its visual appearance, particularly due to the vacancy of the traditional farm buildings on the roadside. The proposed development would upgrade and formalise the area and, as a result, improve the appearance of the site. The development would be more visible and more prominent in the landscape but would be viewed against the existing adjacent development and the existing tree screen to the rear. The proposed development is therefore considered to be an improvement to the local environment. Criterion vi of CP4 also provides some support for the

proposal as it permits exceptions to the normal control of development where a proposal would support the social and economic regeneration of rural areas.

- 5.10 Other LDF Policies, such as Policy CP15, are supportive of the retention or expansion of local rural businesses and the diversification of the rural economy outside of defined Development Limits but only in respect of small scale development. The proposed factory and production enterprise is large in scale and would not comply with these Policy requirements. However, it is recognised that the business is a well-established local business and employer that has outgrown its existing premises. The business requires a site in which to consolidate its activities and has investigated several options including alternative premises at Leeming Bar.
- 5.11 On balance it is considered that, subject to the economic, social and environmental benefits to be examined in the following section, the development of this site outside Development Limits may be justified as a Departure from the Development Plan.

Economic Impact

- 5.12 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective. Paragraph 28 of the NPPF requires Local Plan policies to support economic growth in rural areas.
- 5.13 There is no doubt, as expressed by the Council's Economic Development Officer, that the proposed development would give rise to local economic benefits. The business is a well-established company that is rapidly expanding and has outgrown its existing premises at Leeming Bar.
- 5.14 It is considered that the contribution towards sustaining the economic benefits of the existing business is in accordance with the NPPF although due to its scale and remote location the main part of the proposal (food production) would not meet the terms of the LDF Policies CP1 and CP2 and the criteria set out in policy CP4.
- 5.15 The proposed development would result in the loss of an agricultural use. However, the farm buildings have clearly not been used for several years and are in a state of decay, so a significant amount of investment would be required to re-use the site. Only a small additional area of agricultural land would be incorporated into the proposed development. Appropriate weight needs to be given to the loss of the agricultural land balanced against the benefits of the scheme; in this case the economic, social and environmental benefits of the proposed development.

Landscape and Visual Impact

- 5.16 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..."

- 5.17 The site is currently a disused farmyard with a range of deteriorating farm buildings. The site is close to the road with landscape features including a well-established roadside hedge; trees adjacent to the southern boundary and a tree screen to the west. The site is not prominent from the B6267 due to the rising landform but is visible from stretches of the A6055. Such a large building would be clearly visible from this road and from the A1M but would appear as part of an established group of buildings and would not be overly dominant. The site does not lie within an area of special landscape designation.
- 5.18 It is considered the proposed development would not detract from the rural character and appearance of the landscape and is in accordance the advice within the NPPF and LDF Policies CP16 and DP30.

Design

- 5.19 The proposed development includes the replacement of a large number of existing agricultural buildings with a single building providing the processing, storage and staff facilities.
- 5.20 Most of the existing buildings are much lower in height than the proposed building, but are similar in layout to the existing arrangement. The proposed building has different sections at different heights. This would break up the bulk of the building and reduce its prominence.
- 5.21 The building would be a large industrial style building, finished in galvanised steel cladding and green composite wall panels. An element of brickwork is also proposed. The design is functional and reflects the agricultural characteristics of the site.
- 5.22 Policy DP34 requires all developments above 1,000 sq. m to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating Combined Heat and Power schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures. The application includes solar and sustainable drainage and it is recommended that a suitably worded condition be applied in order to ensure that a suitable scheme is implemented should consent for the development be granted.

Residential amenity

- 5.23 LDF Policy DP1 (Protecting Amenity) stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.24 The site lies adjacent to a dwelling that originally formed part of the farmstead but is now separate. There could be a potential for some disturbance due to the proximity of this dwelling to the proposed use but there is already a significant degree of background noise due to the proximity of the A1 and A6055 and access is currently through the (disused pig) farm. It is not anticipated that any noise arising from the proposed use would be discernible above the noise levels of the adjacent roads, or that any odours resulting from the development would give rise to a greater impact on amenity.
- 5.25 It is not anticipated that the proposed use would have an adverse impact on the amenity of local residents that would be contrary to LDF Policy DP1.

Highway matters

- 5.26 The proposed development would utilise the existing access that serves the farm, which is direct from the B6267. A total of 51 parking spaces are proposed on site adjacent to the existing and proposed buildings for staff and visitors, together with adequate turning facilities for delivery vehicles.
- 5.27 A transport assessment has been submitted with the application and concludes that the impact of the development would not be severe and would not be expected to have a detrimental impact on road safety.
- 5.28 The Highway Authority has no objections to the use of the existing access to serve the development subject to conditions. Highways England, responsible for the A1(M), has no objection.

Summary

- 5.29 The proposed development would support the development of an existing business, which has explored several options for alternative more sustainable locations for new development. Any impact on highway capacity, highway safety, residential amenity and the rural landscape would not be significant and the development would be acceptable as a Departure from the requirements of the Local Development Framework.

6.0 RECOMMENDATION

- 6.1 It is recommended that subject to prior advertisement of the application as a departure from the development plan and the consideration of any further representations and any outstanding consultations, the Executive Director is authorised to **GRANT** planning permission 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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

5. No development shall take place until works have been carried out to provide facilities for the delivery of an adequate water supply.
6. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
7. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
8. The details within the submitted Travel Plan shall be implemented and thereafter retained unless with the prior written approval of the Local Planning Authority.
9. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the B6267 Lime Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
10. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference J3738-B-203). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. All doors and windows on elevations of the buildings adjacent to the existing highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The Statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials used in constructing the development; c. storage of plant and materials used in constructing the development d. erection of hoardings, security fencing and scaffolding adjacent to the public highway; e. wheel washing facilities ; f. measures to control the emission of dust and dirt during construction; g. HGV routing; h. protection of users of the adjacent highway at all times during demolition and construction.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered (J3738-B) -201B, -202, -203, -204, -400 and -401 received by Hambleton District Council on 29 September and 12 October 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 to adjoining properties in accordance with Local Development Framework Policy DP30.
4. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
5. In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water in accordance with LDF Policies CP21 and DP43.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
8. In the interests of sustainable travel in accordance with LDF Policies CP1 and CP2.
9. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. To protect pedestrians and other highway users in accordance with LDF Policies CP2 and DP4.
12. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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15/01897/OUT

Outline application for the demolition of the band room and construction of 5 flats as amended by plans received by Hambleton District Council on 8 December 2015 at The Band Room, Romanby Road, Northallerton for Northallerton Silver Band

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks revised outline planning permission for the redevelopment of the site with a building containing 5 flats.
- 1.2 The plot is rectangular in shape measuring approximately 15m wide and 24m deep. The north east part of the site is occupied by the two storey, flat roofed Band Room with a single storey pitched roofed wing. The south part of the site is occupied by gravelled car parking. Northallerton Silver Band use the building up to four nights per week for rehearsal and meeting purposes. The unsurfaced car park adjacent to the building provides parking for 9-10 cars and other band members make use of on-street parking as necessary. The site is generally flat and has no existing planting or landscape features. Road access is direct from Romanby Road though a narrow gap between low walls with shared use for residents' access to the rear of Bridge Terrace.
- 1.3 Outline planning permission is sought considering access only with layout, design and landscaping to be dealt with through reserved matters. Revised preliminary drawings submitted on the 8th December 2015 limiting the building height to two storeys adjacent to Bridge Terrace, accommodating 5 parking spaces, bin storage area to the front and space for small gardens to the front and back of the ground floor apartments.
- 1.4 The Silver Band is to locate to an alternative location in Northallerton.

2.0 RELELVANT HISTORY

- 2.1 15/01196/OUT - Demolition of band room and construction of 3 flats and 1 dwellinghouse; withdrawn 26 August 2015.
- 2.2 07/02088/FUL - Single storey extension to existing building; Granted 18 September 2007.
- 2.3 2/03/500/0077A - Variation of condition 03 of Planning decision notice reference 2/95/500/0077 to allow the increase in use of the band practice room to four nights a week 6.00 pm to 9.30pm and Saturday afternoons 1.30pm to 4.30pm; Granted 2 March 2004.
- 2.4 2/95/500/0077, Alterations to existing ground floor office/storage accommodation for use in connection with existing first floor band room and demolition of existing adjoining disused dwelling, approved 13.10.1995
- 2.5 2/91/123/0006H - Construction of 2 Terraced Dwellings; Granted 2 September 1991.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council - Refuse until the vehicle access and parking is solved. The size and scope of the development is not in keeping with the surrounding area and the application is not in the interest of the residents. Recommend deferring until the problems are resolved and for it to go to Committee. Comments on the revised proposal are refuse impact on parking, impact on bin storage and collection. Privacy issues re: gardens.
- 4.2 NYCC Highways - No objection subject to conditions.
- 4.3 Neighbours/site notice expired 20 December 2015 - Eleven representations have been received and are briefly summarised below:
- Opposition to three storey development; it would dwarf the area
 - Where will the building materials go
 - Parking concerns
 - Drainage concerns, current problems in the area
 - No room for refuse collections
 - Greedy development
 - Narrow access
 - Any covenants on the land?
 - Site too small
 - Back Lane belongs to Bridge Terrace residents; no right of access
 - Overlook private areas
 - Not consulted wide enough within the area
 - Private access road, no permission
 - 4 parking spaces too few
 - The new application remains the same
 - Access along a narrow lane
 - Ownership/access issues
 - No engagement with local community
 - Highway safety; Romanby Road is busy
 - A single dwelling should be considered
 - Band room only has permission for pedestrian access
- 4.4 Environmental Health Officer - No objection
- 4.5 Yorkshire Water - No observations
- 4.5 Network Rail - No observations
- 4.6 Allertonshire Civic Society - Believe this to be a scheme which verges on the excellent in both its devising and planning. As clearly expressed in their Design and Access statement it effectively addresses the broad range of issues which currently

exist at this location, for the neighbouring properties, road users and the members of the Silver Band. First, the proposal removes what has to be admitted has long been a 'sore thumb' amid the local street scene. It will eradicate the last visual remnant of the old industrial area of steel works, foundry, linoleum factory, joinery workshop and coal yards, which were the product of the previously valuable but uncontrolled and unfortunate consequence of 'mixed development'. The outcome concept is admirable and complements the scale and size of the now adjoining persimmon estate, without bearing too heavily on the older terrace to the other side. Whilst the eventual architectural details are to be determined, the draft elevations seem satisfactory as an overall basis. The general appearance accords with modern preferences for this district. The tall gable facing onto the road creates an interesting variation in what otherwise could become a rather monotonous procession of similar buildings, even when having different styles. The suggested interior and ground layouts make ingenious use of the space available and more than resolve the present problems with the limited shared vehicle access and parking. We heartily endorse this proposed development and offer our support for the outline planning application

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of the proposed residential use in this location together with any impact it may have upon the character of the area, the amenities of the neighbours and highway safety.

Principle of the use

- 5.2 The site is previously developed land which is located within the main development limits of Northallerton. The Band Room is not considered to be a community asset within the meaning of Core Policy CP3 and consequently no objection is seen to its loss. Under the requirements of Policy CP4 and the provisions of the NPPF the proposed residential development is in principle acceptable as the site is located within a sustainable location. It is considered that aesthetically the site would be much improved through redevelopment as in its current state is considered harmful to the character of the area.

Character and amenity

- 5.3 As the application is specifically looking at the principle of the development including the access only, the layout, scale, design and landscaping will be dealt with in the reserved matters application.
- 5.4 The site is within a largely residential area which is made up of two and three storey terraces and flats. The proposal is to form 5 flats but as this is at outline stage no details of heights or building size have been formally submitted. However, the illustrative elevations show a two-storey building and taking into account that the properties in the area range from 2-3 storeys in height it is considered that the scale of development would in principle be appropriate. The submitted scheme, along with the indicative drawings suggests that a housing scheme of the scale proposed could be readily accommodated within the site without detriment to the amenity of neighbouring occupiers through a loss of privacy, daylighting or overshadowing. These matters would be addressed in more detail at the reserved matters stage.

Highway safety

- 5.5 The Highway Authority has not objected to the application but has recommended conditions relating to discharge of surface water, turning and parking areas, parking for dwellings, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during the development. It is therefore considered

that highway safety will not be compromised by a housing scheme of this nature.

- 5.6 The issue of covenants on the land and the access arrangements and ownership have been raised by neighbours. However, these are considered civil matters and cannot be taken into consideration as a planning issue. It is noted that the applicant has submitted information which claims the site has a right of access by a covenant. It is also noted that the application has been advertised by site notice and the closest 18 properties have been notified by letter.
- 5.7 Eleven representations have been received raising concerns regarding building height, parking arrangements, privacy issues, bin storage, scale and construction; all these issues are to be dealt with at the reserved matters stage, although the illustrative drawings indicates how these matters could be treated. The drainage concerns can be dealt with through a planning condition to ensure the existing network is not compromised.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 4. No part of the development shall be brought into use until vehicle access, parking, manoeuvring and turning areas have been approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
 5. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing "Proposed Redevelopment Bandroom, Romanby Road Outline Application Plan" or such alternative as may be approved by the Local Planning Authority as a reserved matter. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of

mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 15023D(00)01revF received by Hambleton District Council on 19th October 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with the policy and in the interests of highway safety.
4. In accordance with the policy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with the policy 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.
6. In accordance with the policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
9. 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, CP2, CP4, CP17, DP1, DP4, DP32.

Informative

Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

14/00326/OUT

Outline application for the construction of two dwelling houses at land to the west of the Old Telephone Exchange, Burrells Lane, Shipton By Beningbrough for Timarjo Properties Limited.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies at the western end of Burrell's Lane and is currently used for the siting of storage containers, no permission has been given for the current use. The lane itself is unadopted and unsurfaced. It is included within the application site boundary and is proposed as the access to serve the plot.
- 1.2 A 1.5m high brick wall lies between the plot and Burrells Lane. The southern and western boundaries are formed by well-established landscaping; the eastern boundary between the site and the Telephone Exchange site is formed by post and wire fencing. Metal security gates with a height of more than 2m lie across the access into the plot from Burrells Lane.
- 1.3 It is proposed to construct 2 two storey dwellings on the plot, which covers an area of 0.0576ha. All matters are reserved although Burrells Lane is shown to be an access route to the main village street (A19).
- 1.4 The application site, together with a small area of land to the north (part of the garden of Ashfield House) and a larger area of land to the south (a disused petrol filling station), forms a larger site that is allocated for housing development by Policy EH4 of the Allocations Development Plan Document, subject to:
- i Development being at a density of approximately 20 dwellings per hectare, resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable);
 - ii Housing types meeting the latest evidence on local needs;
 - iii appropriate measures being taken to deal with any contamination relating to the previous garage use; and
 - iv Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/80/131/0003D – Use of land as a car park for staff and customers relating to the Service Station rather than parking on the A19 which at the time was a Trunk Road. Granted 10 October 1980.
- 2.2 12/00322/FUL - Construction of a dwelling at land adjacent to Ashfield House, Burrells Lane, Shipton by Beningbrough; granted 20 June 2014. This site also forms part of allocation EH4 and would take access from Burrells Lane.

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 CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP4 - Access for all
 Development Policy DP8 - Development Limits
 Development Policy DP10 - Form and character of settlements
 Development Policy DP11 - Phasing of housing
 Development Policy DP13 - Achieving and maintaining the right mix of housing
 Development Policy DP15 - Promoting and maintaining affordable housing
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP43 - Flooding and floodplains
 Allocations Document Policy EH4 - Garage, Main Street, Shipton - adopted 21 December 2010
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Shipton Parish Council - Burrell's Lane at this point was little more than a track and very muddy in winter. Any increase in volumes of traffic on Burrell's Lane would be detrimental in view of the recent parking problems in the lane and the condition of the access road. The application also stated that the site was not within 20 metres of a ditch or water; but in fact there is a drainage ditch on the opposite side of Burrell's Lane. It was agreed that the Parish Council would respond with the comments about the condition of the lane and the ditch but otherwise would make no recommendation on this application.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water - based on the information submitted (foul water only to public foul sewer, surface water to SuDs), no comments are required.
- 4.4 Kyle & Upper Ouse Internal Drainage Board - no observations.
- 4.5 Site notice/local residents - one comment received as follows:
1. Parking & Turning: Unable to support or object as, so far, there is no mention is made of the relative allocations for parking & turning within the properties versus the space for the Houses & Gardens. A modern 3-bed property can each expect to provide on-site parking/garaging for 3 vehicles, in addition to space provision for visitors and deliveries.
 2. Use of an existing Gate for the easterly property is mentioned, but it has been designed in such a way as to prohibit turning when it is closed. All visitors and deliveries to the properties will require a turning provision within the boundary at all times. It will be noted that all existing properties on Burrells Lane, except Framfield House, have "inset" gates or no gates to ensure a turning ability for vehicles within the width of the Lane at each individual property. This inset turning area is even more important for these two proposed properties as the site is at one of the narrowest stretches of Burrells Lane.

3. Access/Egress - Burrells Lane & A19: Burrells Lane is privately owned by an indeterminate party, likely to be a remnant of the Dawnay Estate. The road surface has been historically maintained by local residents, excluding Framfield House, and BT. This informal shared-cost maintenance agreement would need to be formalised with the applicant to take account of the new owners/tenants of the two proposed properties.
4. Burrells Lane is used as a communal access and parking area by local residents, visitors and suppliers. Its use and even access along its length cannot be guaranteed at any given time. As an example, those associated with the Main Street terrace properties just to the south of Burrells Lane rely on parking on the A19 public footpath, obstructing its use by pedestrians. Whenever the police authorities have enforced that footpath obstruction, the whole line of cars expects to move from Main Street onto Burrells Lane
5. Burrells Lane is an agricultural access point for fields to the south (Newton House), north (Field View Bungalow) and to the west (Shedden Farms)
6. Surface Water & Drainage: Specific consideration will be required for both surface water soakaway & drainage and for sewage/foul water drainage. The experiences of the BT Exchange with their drain levels to connect to the Main Street Sewer are a warning that mains sewer drainage cannot be assumed at such a distance from Main Street. For surface water, that particular stretch of Burrells Lane suffers from poor sub-surface drainage, which resulted from post-construction clearing of the site to north of the Lane, opposite this proposed site. No amount of lane surfacing work will avoid the need for that section of land drain towards the open ditch to be repaired. The Burrells Lane open ditch is upstream of the open ditch to the east side of Cliffords Way. These are both privately maintained by the adjacent field owners and are upstream of the shared maintenance for drainage south of Station Lane, which is managed by the Kyle & Upper Ouse Inland Drainage Board
7. Future Changes: The overall design, based on the Barley 02-075, leaves the option of a straightforward change to add a 4th bedroom in the 2nd floor "loft" space. This would add individuals to the occupancy and increase the vehicle and delivery needs of the properties.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 The application site is allocated within the LDF Allocations Development Plan Document as Policy EH4 as part of larger site. The allocation is for housing subject to: a density of approximately 20 dwellings per hectare resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable); housing types meeting the latest evidence on local needs; appropriate measures being taken to deal with any contamination relating to the previous garage use; and contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 5.3 In light of this and the absence of any significant change to the background of the case, the principle of residential development is considered to be acceptable.
- 5.4 The site is clearly differentiated from the rest of the allocation in terms of location, character and access, although application 12/00322/FUL which related to another part of allocation site EH4, within part of the garden of Ashfield House, also took access from Burrells Lane. Land contamination is not an identified as a significant issue on the application site. This site has never formed part of the garage site unlike the other part of the allocation site. However the application site is used for the siting

of storage containers and contamination may be found and would be required to be remediated prior to development. A condition can be imposed on a planning permission to address the need for remedial work to remove or cap any contamination.

- 5.5 There are no objections to the site being developed in isolation from the remainder of the allocated land. The allocation requirements for the overall site are flexible in respect of numbers; "approximately 20 dwellings per hectare" and "a capacity of around 10 dwellings (of which a target of 50% should be affordable)". The garage part of the allocation is acknowledged as having a restricted shape that is likely to affect its developability and therefore a target of two houses on the application site would be desirable as the plot is 0.0576ha in size, excluding the access track (density of 17 dwellings per hectare for one dwelling and 34 dwellings per hectare for two dwellings). It is proposed to provide one of the dwellings as an affordable unit and full details of this can be secured by submission of an affordable housing scheme under the terms of a planning condition.
- 5.6 The plot has dimensions of approximately 30m x 20m, which is adequate space for two detached dwellings with appropriate amenity space. Accordingly there are no objections to the provision of two detached dwellinghouses to meet local needs.
- 5.7 Comments is made by the Parish Council and a local resident regarding the drainage ditch and foul drainage. The proposal identifies the use of Sustainable Drainage techniques for the disposal of surface water. The Internal Drainage Board has no objections to the proposal. In order to connect to a public foul sewer the approval of Yorkshire Water would be required, with upgrade to the system as necessary to allow foul drainage to the mains sewer. Burrells Lane is understood to be privately owned and its maintenance, including any drainage within it, is a private matter between the relevant property owners.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to

an area that allows the water to drain away naturally within the curtilage of the property.

5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. No development shall take place 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.
8. 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 7 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.
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 50% 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 affordable unit to be made available for occupation before occupation of the open market dwelling 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian accesses; b. visibility splays along Burrells Lane; c. vehicular parking (minimum of 2 spaces per dwelling); and d. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, visibility splays and turning areas have been provided in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public right of way; 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.
 12. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."
 13. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
 14. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 13 above.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP17 and DP32.
8. 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 CP17 and DP32.
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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. 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.
12. 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 in accordance with Hambleton Local Development Framework CP21 and DP42.
- 13 and 14. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Sowerby
Ward: Sowerby & Topcliffe
10

Committee Date: 4 February 2016
Officer dealing: Mr R Greig
Target Date: 22 December 2015

15/02284/FUL

**Change of use of agricultural land to touring caravan park for a maximum of 40 pitches, with associated works to provide access track and caravan standing
At land at York Road, Thirsk
for Mr B Calvert**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises two fields within an area of open countryside, equating to approximately 2.60 hectares, located adjacent to Sowerby Flatts, situated between Thirsk to the north and Sowerby to the west. The site is adjacent to the A170 York Road and the A168 lies approximately 300m to the south.
- 1.2 The site itself is situated outside of any designated Development Limits. For the avoidance of any doubt the application site is not located within the Thirsk and Sowerby Conservation Area. The extent of the Conservation Area lies to the immediate west of the application site. The majority of the site is situated within Flood Zone 2, as defined by the Environment Agency Flood Map.
- 1.3 The application proposes a 40-pitch touring caravan park. The proposal does not specify that the use is for holiday purposes, however the supporting statements seek to gain support for the proposal on the basis of a tourist/holiday use. The existing field entrance would be altered to provide a formal access leading on to a 5m wide plastic grid vehicular surface that in turn would provide a means of access to each pitch. Additional landscaping is proposed to the perimeter of the site. No permanent structures are proposed under this submission; the illustrative information provides that "No sanitary facilities are provided on site"

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01209/FUL - Change of use of agricultural field to Holiday Park for siting of 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station; Refused 1 October 2014 for the reason that:

"The formation of a caravan park would have a significant adverse impact on the open character of Sowerby Flatts and the landscape setting and separation of the settlements of Thirsk and Sowerby."

Appeal Dismissed 14 July 2015.

- 2.2 The Inspector identified the main issues as the effect of the proposal on the character and appearance of the local area. The Inspector observed that views from York Road would be limited to glimpses but that the development would be highly noticeable from the public footpaths that cross the site, that the experience of users of the public rights of way would be harmed and that the proposal would diminish the landscape setting of the Thirsk and Sowerby Conservation Area. He concluded that the development would be highly intrusive within the predominantly undeveloped landscape causing serious harm to the character and appearance of the local area and would fail to preserve the appearance of the Conservation Area, a matter to which he attached considerable importance and weight.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 - Utilities and infrastructure
Development Policy DP10 - Form and character of settlements
Development Policy DP25 - Rural employment
Development Policy DP28 - Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation
Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010
National Planning Policy Framework - published 27 March 2012

4.0 OBSERVATIONS

- 4.1 Sowerby Parish Council - Concern raised regarding the visual impact from Sowerby Flatts and the increased traffic on a busy road and the need for it to slow to enter the site.
- 4.2 Highway Authority – No objections are raised. However, it is recommended details relating to the following are to be secured by condition:
- Discharge of surface water;
 - Private Access/Verge crossings;
 - Visibility splays;
 - Details of pedestrian crossing.
- 4.3 Environment Agency – No objections are raised subject to the proposed development being in accordance with the submitted FRA.
- 4.4 Planning Policy & Conservation Officer – The area is important in maintaining the separation between Sowerby and Thirsk and by allowing the two settlements to be viewed from a distance. Whilst there are many character areas within this open space, essentially it is open. The formation of a caravan park, be it static or touring would have a significant adverse impact on the form and character as well as the setting of this open space. Whilst there would be some local economic benefit, this could be the same for any site located within reasonable distance of the town and does not outweigh the adverse impact to the setting of the Conservation Area.

- 4.5 Environmental Health Officer - No objection in principle to the proposed development. However, it is noted from the submitted details that it is proposed not to include sanitary facilities in the development. The site will require a Site Licence under the Caravan Sites and Control of Development Act 1960 and the Local Authority's standard conditions would require among other things the provision of sanitary accommodation, laundry facilities, and pot wash facilities.
- 4.6 Yorkshire Water (YW) - The site layout details submitted are not acceptable as currently shown. The following points should be addressed:
- The submitted drawing appears to show new tree planting over and near to the line of public sewer crossing the site.
 - The submitted drawing should show the 'site-surveyed position' of the public sewer crossing the site with required stand-off distances.

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

- 4.7 Ramblers Association – Wish to object. The two footpaths within the site are used by walkers. The mix of walkers, cars and caravans is not compatible and would give rise to safety concerns.
- 4.8 Corporate Facilities Manager (Flood Risk) - Content with the proposal from a flood risk perspective.
- 4.9 Following the public consultation period, seven letters of representation have been received raising objections to the proposed development. Those comments are summarised as follows:
- The site lies outside of Development Limits;
 - This scheme represents an intensification of use compared to previous application (increase from 30 to 40 pitches);
 - Additional facilities (structures/buildings) will be required on site as indicated by Environmental Health;
 - The proposed site access is inadequate;
 - The footway is on other side of road, therefore access to the site is unsafe for pedestrians;
 - The development would add greater pressure to an already congested road;
 - The development of a holiday park is likely to prevent expansion of local businesses due to issues of amenity;
 - It would adversely affect the setting of the site, the Conservation Area and the character of Sowerby Flatts;
 - The information provided is insufficient and inaccurate. No reference is made to public footpaths and a wildlife pond;
 - Adverse impact upon protected species/wildlife;
 - Adverse impact upon the amenity of local residents;
 - The site is not large enough to accommodate 40 pitches;
 - The laurel hedge would appear out of character with area and would take years to mature; and
 - The development would set an unwelcome precedent.

5.0 OBSERVATIONS

- 5.1 The proposed development must be considered under the current LDF policies and with regard to the NPPF wherein the policy emphasis is to concentrate development within defined Development Limits. This must also be balanced with the need to

support the rural economy; to protect the openness and character of the countryside; to protect the special interest of heritage assets and their settings; to adequately protect natural resources and the amenity of neighbouring land users and to maintain highway safety.

Principle of Development

- 5.2 The Core Strategy has established a Settlement Hierarchy which provides a spatial guide to the location of development. The application site is situated outside of any designated Development Limits. With this in mind policy DP9 of the LDF will only permit development in exceptional circumstances, having regard to the provisions of Policy CP4 of the LDF Core Strategy. Exceptions to the presumption against development contained under policy CP4 may include tourism and other enterprises with an essential requirement to locate in the countryside and which would help to support a sustainable rural economy. With this in mind the principle of development may be permissible in policy terms.
- 5.3 It is acknowledged that the proposal would positively contribute to the local economy and provide tourist accommodation, both of which are encouraged by the LDF and the NPPF. These considerations would provide public benefits to which appropriate weight should be given. However, the core principles of the LDF and the NPPF are that planning should recognise the intrinsic open character of the countryside and contribute to conserving and enhancing the natural and historic environment. These objectives are reflected in the Development Plan policies and require further consideration.

Character of Countryside/Setting of Conservation Area

- 5.4 Policy CP16 of the LDF Core Strategy seeks to protect natural and man-made assets. Development will not be supported which has a detrimental impact upon the interests of such assets. Furthermore, paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contributions made by their setting.
- 5.5 The changes from the earlier proposal that was refused and dismissed on appeal include:
- The specified use of 40 touring caravans as opposed to 30 static caravans;
 - A reduction in the size of the pitches;
 - The omission of any permanent structures; and
 - A reduction in hard surfacing.
 - Touring caravans and campervans to be occupied only between 1st April and 1st October of each year
- 5.6 The omission of permanent structures would clearly be an improvement compared with the previous proposal for 30 static caravans. However, the Environmental Health Officer's comments at paragraph 4.5 indicate that the licencing requirements for a caravan site are likely to require buildings on site to provide sanitary accommodation, laundry facilities, and pot wash facilities and it is reasonable to expect such facilities would need to be provided in order for the site to attract users. It therefore appears that this claimed improvement over the previous proposal cannot be realised.
- 5.7 The Heritage Statement (October 2015) submitted in support of this application concludes that 40 smaller pitches would have minimal effect on the Conservation Area and would benefit the area with specific regards to tourism and employment

opportunities and creating a visually pleasant, sustainable and biodiversity-rich environment.

- 5.8 As previously highlighted the application site is located outside of any designated Conservation Area. Notwithstanding the above the Thirsk and Sowerby Conservation Area Appraisal (2010) states that the area to which the application site forms a part of, is important in maintaining the separation between Sowerby and Thirsk and by allowing the two settlements to be viewed from a distance.
- 5.9 It is noted that there are many character areas within this open landscape (including grazing, recreation, footpaths, paddocks, gardens and watercourses); nonetheless this landscape is defined by its informal open character. The proposed use of the site and the associated movements of vehicles, pedestrians and cyclists are considered to be likely to have a significant detrimental impact upon the intrinsic openness of this undeveloped landscape, contrary to policies CP16, DP10 and DP28.
- 5.10 It is acknowledged that the introduction of a caravan park is likely to result in some benefits to the rural economy. However, such an argument could be made for any site located within reasonable distance of a service centre or related settlement.
- 5.11 In this instance it is considered that the high landscape value, historical significance as an open landscape and its contribution to the setting of the Conservation Area are likely to be adversely affected by the scale and nature of the proposed development. Moreover, any benefits likely to arise from the proposed scheme are considered not to outweigh the harm to the setting of the Conservation Area and the proposal is thereby deemed to be contrary to policies CP16, DP10 and DP28.
- 5.12 Furthermore, promoting development within this sensitive landscape setting is likely to make further incremental development of this and other sites difficult to resist. The cumulative effect of which is likely to further erode the open landscape character of this area.

Natural Environment

- 5.13 Policy DP31 of the LDF establishes general principles applicable to protecting natural resources, including nature conservation. In this instance the application site is not recognised or designated as a site of nature conservation importance. The 2015 appeal decision concluded that whilst several additional objections to the proposal had been raised, and claims that the proposal could enhance bio-diversity, the findings on the main issue were such that these additional issues were not matters on which the decision had turned. This conclusion remains applicable to the current application.

Amenity

- 5.14 The position of the development and degree of separation relative to neighbouring land users is such that the proposed scheme is not considered to cause unreasonable harm to amenity and thereby complies with the requirements of policies CP1 and DP1.

Flooding

- 5.15 Policy DP43 of the LDF will only permit development where it has an acceptably low risk of being affected by flooding. In this instance it is concluded that subject to the implementation of the recommendations contained within the Flood Risk Assessment

the proposed development would comply with the requirements of policy DP43. These findings are endorsed by the Environment Agency.

Highway Safety

- 5.15 The public concerns expressed with regard to highway safety are fully acknowledged. However, the Highway Authority has raised no objection subject to appropriate conditions being fulfilled. With this in mind it is considered justifiable to resist the development on grounds of highway safety.

6.0 RECOMMENDATION

- 6.1 That planning permission is **REFUSED** for the following reason:

1. The proposed development is contrary to policies CP16, DP10 and DP28 of the Hambleton Local Development Framework in that the formation of a caravan park would have a significant adverse impact on the intrinsic openness of this undeveloped landscape and the setting of the Thirsk and Sowerby Conservation Area.

15/00014/TPO1

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2015/14.
- 1.2 The trees are located along a field boundary at the western side of the village. The trees lie within a hedge line on the edge of the highway verge opposite several dwellings that lie on the other side of the road, specifically Bendelow Cottage, Ambry Lodge and The Willows. A total of seven sycamore trees have been made the subject of a provisional TPO.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 In November 2015 the Council received correspondence suggesting that a quote had been received to fell some trees on private land. The trees overhang several neighbouring properties on the opposite side of the road and it is the occupants of these properties who wish some work to be done. The owner wishes to retain the trees. It was considered that the trees make a contribution to local amenity so the Council has imposed a TPO to protect the trees.
- 2.2 Objections have been received regarding the making of the Order.

3.0 RELEVANT POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Letters have been received from the occupants of three properties and the comments are summarised as follows:
1. Concerns are due to a lack of on-going maintenance and close proximity to properties
 2. Been allowed to grow beyond reasonable limits of their location and are now encroaching on the surrounding areas to such an extent to have the potential for damage to persons and property
 3. This is compounded by a very exposed location, frequently subjected to high winds
 4. Routine to clear debris from trees from gutters, roof, garden, parking areas and highway
 5. In September a large branch fell from T4 and attached to telephone wires; had to be removed by a JCB
 6. Several residents have sought arboricultural advice
 7. We believe the trees are in a condition that is not conducive to their continual long term health and subsequent safety.

8. Rather than safeguarding the trees it is considered that the additional bureaucracy would further dissuade the owner from carrying out essential maintenance.
9. It is estimated the trees are well over 20m high and lie within 10m of one of the neighbouring houses
10. A survey has indicated that remedial work should be undertaken rather than felling
11. Recommended work includes crown lifting and thinning, all in accordance with BS 3998.
12. Several of the trees require removal as it would not be possible to prune them within the guidelines of BS 3998.
13. The requirement to fell some of the trees and maintain others is seen as a compromise; replacements could be planted.

5.0 OBSERVATIONS

- 5.1 The seven trees form a row of mature specimens along the field boundary between the village road and the countryside beyond. The trees are prominent from long range views across the village and adjacent agricultural land and from the public right of way to the north. The trees are particularly important as a group of seven as they lie along the boundary of the heritage site of the medieval village of Howgrave and they visually frame the boundary of the existing village at this side of the settlement.
- 5.2 The trees are considered to be of visual merit and contribute to the character and appearance of the village.
- 5.3 A report has been undertaken by A Whitehead Associates Ltd on behalf of the Council, which considers that there is no evidence to suggest that the trees are not in good condition:

“There is no evidence in the winter crowns of the trees that any of the sycamores are incurring heavy wind damage or under stress. All of the trees are reasonably vertical. None of the trees have a swept habit and the level of broken branches within the crown is normal for trees of this size.

The requirement for crown lifting is only a duty when branches are so low that they are impeding vehicle access along the highway. The Highway Maintenance Manual sets a recommended lower branch height above the carriageway at 5m. The sycamores’ branches are above 5m; therefore any further crown raising is a matter of personal preference.

For the reasons above, I do not see a need to thin the trees’ crowns to enhance their storm worthiness.

It is not possible to guarantee that any large mature tree will not drop branches from time to time. It would not be possible to maintain trees in a built-up environment if there was a need to guarantee that no branch would ever fall onto a garden or building. The requirement is that the trees are reasonably maintained.”

- 5.4 There is no indication that the trees are in a dangerous condition and the Council could not require works to be undertaken. Any proposal to undertake remedial work will be considered on its merits.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a reasonable degree of public benefit.

The Council's and the owner's arboricultural advisors agree that they are generally healthy specimens. Their retention would not preclude future proposals, which would be considered on their merits.

6.2 It is therefore recommended that TPO 2015/14 is confirmed.

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Parish: Ingleby Arncliffe
Ward: Osmotherley and Swainby
12

Committee Date: 12 November 2015
Officer dealing: Mrs Angela Sunley
Target Date: 20 October 2015

15/02615/FUL

**Proposed alterations & extension to dwelling
at The Cottage, Wellington Farm, Ingleby Arncliffe
for Mr & Mrs A Dickins**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey semi-detached cottage located within a working farm and kennel and cattery business. Access to the cottage is off a slip road immediately to the east of the A19.
- 1.2 This application seeks planning permission for alterations to the dwelling house along with a two storey extension. The proposed extension would be to the east elevation of the cottage, looking onto open fields, and would measure approximately 5.3m x 9.6m. The extension would be formed of sand/cement cream render, red clay tiles and white UPVC window and doors. All of the proposed materials would match the existing dwelling.
- 1.3 Revised drawings were received on 22 December 2015 to include a masonry architectural feature "water tabling" to the roof of the new extension.
- 1.4 The application is presented to the Planning Committee as the applicant is related to a Councillor.

2.0 RELEVANT PLANNING HISTORY

- 2.1 80/1408/FUL: Alterations and extensions to dwellinghouse - Permitted.
- 2.2 89/1057/FUL: Extensions to dwelling - Permitted.
- 2.3 04/02515/FUL: Two storey extension to dwelling - Permitted.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - No response, expiry date 23 December 2015
- 4.2 Neighbours – No response, expiry date 23 December 2015

4.3 Site notice - No response, expiry date 31December 2015

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and whether the design and form of the proposed development will have any detrimental impact on the appearance and amenities of the surrounding area.

Residential amenity

5.2 Taking into account the scale of the extension, the size of the farm and the separation distance to the next neighbouring property, it is considered that the proposed extension would not have any significant impact on the amenities of neighbouring residents in terms of the outlook, overlooking, loss of privacy or impact on light.

Design and form

5.3 The proposed extension is not wholly in compliance with the adopted Supplementary Planning Guidance on house extensions in terms of the set back from the forward elevation and set down from the roof form. However, The Cottage is a sufficient size, resembling a small terrace, to accommodate the enlargement of the dwelling as proposed and the revision of the detailing to the roof, with the addition of water tableting between the original house and the proposed extension results in a development form which, exceptionally, is not considered harmful. The extension would be acceptable in terms of the form and massing of the main dwelling and is considered to be of a suitable scale and proportions.

5.4 The extension has been designed to reflect the overall character of the existing dwelling and the construction would not be of a scale or size such as to have a detrimental impact upon the character and appearance of the Cottage or the surrounding area.

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 drawings numbered: Drawings 118:14/02B and 118:14/03B; received by Hambleton District Council on 19 November 2015; unless otherwise approved in writing by the Local Planning Authority.
3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 19 November 2015 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17, DP32, CP16 and the Domestic Extensions Supplementary Planning Document, adopted December 2009.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

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