

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 24 February 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 3 March 2016**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

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

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING PARISH COUNCIL CONSULTATIONS ON PLANNING APPLICATIONS; ONLINE PLANNING SUBMISSIONS AND AN UPDATE ON THE EAST COAST MAIN LINE RELATING TO THE YORK TRAILERS SITE

AGENDA

Page No

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 4 February 2016 (P.21 - P.22), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

5 - 106

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, 4th February, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	M A Barningham	Councillor	B Phillips
	Ms C Palmer		

Apologies for absence were received from Councillors K G Hardisty and A Wake

P.21 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 7 January 2016 (P.19 - P.20), previously circulated, be signed as a correct record.

P.22 **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 Executive 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) 15/01499/OUT - Outline application for the construction of 5 dwellings (all matters reserved) at Land to the east of Church Lane, Bagby for Mr K Almond

PERMISSION GRANTED

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

(Jean Varey spoke on behalf of Bagby Parish Council objecting to the application.)

- (2) 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, Burneston for Mr J Jessop

PERMISSION GRANTED

(John Penty spoke on behalf of Burneston Parish Council objecting to the application.)

(Mr Stebbing spoke objecting to the application.)

- (3) 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

PERMISSION GRANTED subject to an additional condition requiring submission of an affordable housing scheme relating to 40% of the units.

(Andrew Wiggins spoke on behalf of Catton Parish Meeting supporting the application.)

- (4) 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

PERMISSION REFUSED

(The applicant's agent, Rob Smith, spoke in support of the application).

(Andrew Wiggins spoke on behalf of Catton Parish Meeting objecting to the application.)

(John Mason spoke objecting to the application.)

- (5) 15/02519/FUL - Construction of a dwelling at 8 Catton Village Street, Catton for Mr Ashley Dodgson

PERMISSION REFUSED

(The applicant, Ashley Dodgson, spoke in support of the application.)

(Andrew Wiggins spoke objecting to the application.)

- (6) 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

PERMISSION REFUSED

(Margaret Curry spoke on behalf of Exelby, Leeming and Newton Parish Council objecting to the application.)

(Paula Richardson spoke objecting to the application.)

(Councillor S P Dickins left the meeting at 3.15pm and did not return)

The meeting was adjourned at 3.15pm.

Meeting reconvened at 3.25pm.

- (7) 15/02213/FUL - 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 at Leeming Lane Farm, Leeming Lane, Sinderby for Thirsk Food Logistics Limited (Heck)

PERMISSION GRANTED subject to an additional condition requiring the submission of a lighting scheme.

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

- (8) 15/01897/OUT - Demolition of existing band room and construction of 5 flats at The Band Room, Romanby Road, Northallerton for Northallerton Silver Band

PERMISSION GRANTED subject to an additional condition requiring submission of refuse storage arrangements.

(Mrs Marilyn Tyreman spoke objecting to the application.)

- (9) 14/00326/OUT - Outline application for the construction of two dwelling houses at Old Telephone Exchange, Burrells Lane, Shipton by Beningbrough for Timarjo Properties Limited

PERMISSION GRANTED

- (10) 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, North Yorkshire for Mr Bill Calvert

PERMISSION REFUSED

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

- (11) 15/00014/TPO1 - Objection to making of TPO at Land west side of The Willows, Sutton Howgrave for Mr D Robinson

DEFER for site visit.

- (12) Proposed alterations & extension to dwelling at Wellington Farm, Ingleby Arncliffe for Mr & Mrs A Dickins

PERMISSION GRANTED

The meeting closed at 4.25 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 3 March 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 3rd March 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/02296/FUL Mrs S Leeming Carlton Miniott Page no. 11	Change of use of former public house to dwellinghouse For: Mr T Brierley At: The Dog and Gun Inn, Carlton Road, Carlton Miniott RECOMMENDATION: REFUSE
2	15/01524/FUL & 15/01525/LBC Mrs H Laws Crakehall Page no. 15	Applications for retrospective planning permission and listed building consent for partial removal of garden wall, widening of permeable hard standing access track, and replacement timber fence For: Mr J Kent At: Hill Top Cottage, Crakehall RECOMMENDATION: GRANT
3	15/02819/FUL Mrs H Laws Exelby, Leeming & Newton Page no. 21	Construction of a detached dwellinghouse and associated parking For: Mr & Mrs Price At: The Old Forge, Exelby RECOMMENDATION: GRANT
4	15/02246/FUL Mrs B Robinson Kirkby Page no. 29	Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land to domestic use, and construction of stables For: Mr and Mrs R Holmes-Smith At: Land and buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland RECOMMENDATION: GRANT
5	15/02378/OUT Mrs H Laws Kirklington Page no. 40	Application for outline planning permission for the construction of 2 dwellinghouses (single and two storey) with all matters reserved For: Mr Raisbeck At: Rear of Half Acre House, Kirklington RECOMMENDATION: REFUSE
6	15/02337/OUT Mrs H Laws Maunby Page no. 45	Outline application with all matters reserved for the construction of a single detached dwelling For: Mr James Hill-Walker At: Land adjacent to Church Cottage, Maunby RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	15/02701/FUL Mr A Thompson Newton on Ouse Page no. 51	Construction of a free range egg laying unit with associated feed bins, hardstandings and attenuation pond, and the siting of an agricultural workers mobile home For: B L Knowlson At: Land adjacent to Three Acres, High Moor Lane, Shipton by Beningbrough RECOMMENDATION: GRANT
8	15/02717/OUT Mrs H Laws Pickhill Page no. 61	Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping For: Mr Anthony Smith-Ketteringham At: Land to the rear of The Cottages, Street Lane, Pickhill RECOMMENDATION: GRANT
9	15/02740/FUL & 15/02741/LBC Mr A Cunningham Stillington Page no. 71	Planning and Listed Building Consent for the renovation of Listed Building including construction of a rear single storey extension. For: Mr Tyssen At: Fairview, Stillington RECOMMENDATION: GRANT
10	16/00042/FUL Mrs B Robinson Stokesley Page no. 79	Demolition of store building and construction of two storey dwellinghouse For: Mrs A Watts At: 21 College Square, Stokesley RECOMMENDATION: GRANT
11	15/00014/TPO1 Mrs H Laws Sutton Howgrave Page no. 85	Objection to making of TPO For: Mr D Robinson At: Land west side of The Willows, Sutton Howgrave RECOMMENDATION: CONFIRM
12	15/01667/FUL Mr A Thompson Sutton on the Forest Page no. 87	Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses For: Howardian Developments At: Blackwell Ox, Huby Road, Sutton on the Forest RECOMMENDATION: GRANT
13	15/02259/FUL Mrs S Leeming Thirsk Page no. 93	Demolition of office building, sub-station building and garage and construction of 6 semi-detached and 1 detached dwellings with vehicle parking and alterations to vehicular access For: Stevenson Properties At: The Bungalow, Masonic Lane, Thirsk RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
14	15/00823/FUL Mr A Cunningham Topcliffe Page No. 101	Change of use and internal alterations to existing chapel to form 3 apartments For: The Methodist Church Thirsk & Northallerton Circuit At: Topcliffe Methodist Church, Church Street, Topcliffe RECOMMENDATION: REFUSE

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Parish: Carlton Miniott
Ward: Sowerby & Topcliffe
1

Committee Date: 3 March 2016
Officer dealing: Mrs S Leeming
Target Date: 18 January 2016

15/02296/FUL

**Alterations to and change of use of public house to dwellinghouse
at The Dog and Gun Inn, Carlton Road, Carlton Miniott North Yorkshire
for Mr T Brierley**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission to alter and change the use of The Dog and Gun Inn from a public house to a dwellinghouse. It is a mid-terraced property located on Carlton Road, Carlton Miniott and has not opened as a pub since January 2014. The Dog and Gun Inn is in the central area of the western end of Carlton Miniott. The Dog and Gun Inn is about 1.5km from the Vale of York public house and 1.8km from the Old Red House public house in the eastern part of Carlton Miniott.
- 1.2 The proposal incorporates as amended three car parking spaces and a bin store to the rear of the property and the demolition of the existing conservatory and stores to the rear of the property with the single storey lean to retained and altered and finished in white render.
- 1.3 Internally alterations are proposed to form a 2 storey dwelling with 4 bedrooms.
- 1.4 Additional information has been submitted detailing the efforts made to sell the Public House.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No recent relevant history

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 CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - wish to see refused because:

- As evidenced by the petition and the number of people who attended the Parish Council meeting there is concern about the loss of "another important community asset";
- The NPPF identifies that policies should promote economic growth and strong rural economy and the retention and development of local services and community facilities in villages "namely local shops, meeting places, sports venues, pubs and places of worship"; and

- "It has been suggested that the current owners should actively market the property as a public house for a period of, say, 12 months as the economy has moved on since it was first put up for sale by the previous owners. Then if it proves unsuccessful, apply for a change of use.

4.2 Highway Authority - condition recommended

4.3 Environmental Health Officer - no objection

4.4 Yorkshire Water - response awaited.

4.5 Neighbours/local residents - a petition containing 139 signatures stating that "We, the undersigned wish to register our objections to the application for change of use of the Dog and Gun Public House to a dwelling. We believe this pub is a valuable asset to the community and should be retained as such" has been received.

4.6 In addition 7 local residents have submitted written comments. One of these supports the proposal and states that "During its operation this establishment had great difficulty in surviving financially. Though operating as a public house for many years, its role in the local community is now severely diminished."

4.7 The remaining 6 object to the proposal and their reasons include:

- The Dog & Gun was bought as a pub and no attempt has been made to reopen it. Comments have been made stating that "it has struggled financially; this could be a reflection of how the previous landlord ran it. The question also has to be asked what the applicant intends to do with the remainder of the land to the rear of the property. To deliberately do nothing with the property for some 18 months and allow its condition to deteriorate is not an approach to granting approval for a change of use.
- When open the pub was regularly used and "economically important to the area" and being opposite the church was regularly used as a venue for Christening Parties and Funeral teas as well as a local venue for pool, darts and other pub league games. It also hosted live music and quiz events.
- The large car park to the rear was used by the wider community e.g. for church visitors
- There is now no pub left in this part of the village with the nearest being 25 minutes' walk away with no public transport on evenings. Concerns about carbon footprint having to travel out of village.
- It supported the local economy by providing holiday homes to tourists
- No details of what will happen to the car park area. If this is developed it would result in more vehicles using access which is in poor condition and close to neighbours' dwellings.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the change of use of the public house resulting in the loss of the community facility. In addition any impact upon highway safety and the neighbours' amenities must also be considered.

The principle of the change of use

5.2 LDF Policies CP3 and DP5 refer to community facilities with Policy DP5 stating that proposals that will lead to the loss of community facilities will only be permitted if:

- i there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- 5.3 In this respect additional information has been submitted by Barry Crux Chartered Surveyors on 6 January 2016 detailing the background and the attempts to sell this property on behalf of the previous owner, Enterprise Inns Plc. They were instructed to put the property on the market in October 2013 at which time there was still a tenant operating the pub. The pub closed down in January 2014 and Enterprise Inns instructed Barry Crux to "bring matters to a conclusion, as by then it had been on the market for nine months without having achieved a sale". The submitted report details that by then ten interested parties had viewed the premises and following contact to invite offers eight offers were made, five of which were below its "true value" (no definition is given in the report to the meaning of the term). The report also records that the lowest offer was from the only party who wished to continue its use as a public house. There were also three other offers to use it as a catering business, two for residential purposes and two with no use specified. It is understood the property was sold to the current owner in July 2014. It is also understood that Enterprise Inns did not have any access to trading or financial information but, in the opinion of Barry Crux due to the "chequered trading history of the business", it is suggested that it struggled in terms of viability and "Enterprise Inns decided not to try to re-let the property in the meantime is indicative of a lack of faith in the business being viable".
- 5.4 Making an assessment therefore against Policy DP5 each of the three criteria is considered in turn. Taking criterion i, the level of public comment suggests that there is community support for the premises. The comments about how the public house was used in conjunction with activities nearby, such as the church on the opposite side of the road, weighs against the claim of the applicant that there is a demonstrable lack of community need for the facility. Importantly there is strong public support for the continued use of the building as a public house with a public meeting held within the Parish and a petition submitted and letters of objection. It is also relevant to consider the distance from the Dog and Gun Inn to other public houses. It is considered that they are sufficiently distant to not provide a convenient location for the community in the western part of Carlton Miniott.
- 5.5 In terms of criterion ii the property was on the market for 9 months from October 2013 to July 2014. This is considered to be insufficient time to prove that there was little or no interest in its continued use as a public house or some other form of community facility, particularly as offers were received from parties who wished to use it as a public house or a catering establishment. In addition there is no evidence relating to the financial viability of a public house business. The only evidence available to judge viability is the interest of others to operate a business from the premises. The evidence of a marketing period of 9 months ending 19 months ago is considered to fall short of the test of criterion ii that the evidence must be "clearly demonstrated".
- 5.6 Regarding criterion iii and the availability of alternative facilities, it is noted that there are two other pubs within the Carlton Miniott area (The Vale of York, and just over the railway line in Thirsk Parish, Old Red House) and also The Watermill cafe/bar at The Woodlands. The Vale of York is located at the far eastern end of the eastern section of the village approximately 1.5km away from the application site which lies within the western part of the village. The Watermill is located at the Woodlands Lodges approximately 1.4km to the west. It is estimated that each of these would be over 20 minutes walking time away from this western part of the village and as such whilst

within the Parish of Carlton Miniott neither would be easily accessible as an alternative location for a pub, as identified by the local residents.

Highway and amenity considerations

- 5.7 The overall alterations and the amended location of the parking area to the rear are considered acceptable and it is noted that there are no Highway Authority objections. The proposal for residential use is unlikely to result in any significant detrimental impact upon the amenities of the neighbours. It is noted that some local residents have been querying the possible future plans for the large car park area to the rear of the property. The land is shown to be within the ownership of the applicant but is outside of the application site and therefore remains a separate issue.

6.0 RECOMMENDATION

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

1. The proposed change of use is contrary to Local Development Framework Policies CP3 and DP5 as it has not been shown that there is a lack of community need for the facility. It has not been shown that the retention of the community facility is not financially viable and it has been found that there are no other facilities that would meet the needs of the community in an appropriately accessible location. The proposal would therefore result in the loss of an important community facility.

Parish: Crakehall

Ward: Bedale

2

Committee Date : 3 March 2016

Officer dealing : Mrs H M Laws

Target Date: 11 March 2016

15/01524/FUL & 15/01525/LBC

Applications for retrospective planning permission and listed building consent for change of use of paddock to domestic garden, partial removal of garden wall, widening of permeable hard standing access track, and replacement timber fence. at Hill Top Cottage The Green Crakehall North Yorkshire for Mr J Kent.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Hill Top Cottage is a Grade II listed building located in Crakehall Conservation Area. A detached outbuilding lies to the rear of the property on the boundary with the neighbouring property known as Grey Riggs. The rear of the property is accessed through an archway.

1.2 The application is for retrospective consent for the removal of a section of wall that formed the rear boundary of the domestic plot. The length of the stone wall was approximately 4.5m and the height approximately 1.8m.

1.3 Work has also been undertaken to widen the hardstanding area to the rear of the dwelling by incorporating land from within the adjoining paddock to create a parking and amenity area. A fence has also been installed along the proposed rear boundary of the domestic plot. The timber post and rail fence (with gate into paddock) covers a length of approximately 30m.

1.4 The reason given for the removal of the wall is due to its poor structural stability. The supporting information states that it was dismantled as it was deemed to be a hazard. The wall was not supported by any foundations and was not tied to the adjacent boundary wall.

1.5 The application is brought to Committee at the request of a Ward Member due to this being one of a series of retrospective applications submitted by the applicant.

2.0 RELEVANT PLANNING HISTORY

2.1 2/00/032/0144E - Alterations to existing outbuildings for use as ancillary living accommodation. Permission granted 27/4/2000.

2.2 2/00/032/0144F - Application for Listed Building Consent for alterations to existing outbuildings as amended by letter and plans received by Hambleton District Council on 23rd February 2000. Granted 26/04/2000

2.3 15/00473/MRC - Variation of condition 6 of application reference number: 2/00/032/0144E - to allow the use of the building for holiday accommodation. Permission granted 30/4/2015.

2.4 15/02272/LBC - Retrospective Listed Building Consent for new roof timber structure to holiday cottage barn, including 2no. conservation roof lights and stove flue pipe. Consent granted 2/12/2015.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - no reply received (expiry date for representations 11/1/2016)

4.2 Historic England - this application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

4.3 HDC Conservation Officer - I have no objection to make to this retrospective work. The wall is thought to have been a boundary to the garden of the principal listed building; however it was only a small section of wall and not thought to be of any particular special interest. Having not been to the site I would take your advice on whether the extension of the garden/parking area is harmful to the setting of the listed building or Conservation Area, I think this is unlikely.

4.4 Site notice/advert/local residents - objections to the development have been received from and on behalf of 3 local residents, whose comments are summarised as follows:

1. Harmful effect on the character and appearance of a designated heritage asset
2. The character and appearance of the conservation area and open countryside
3. The amenity of neighbouring residents
4. Insufficient justification for the works
5. Inadequate heritage statement
6. Wall played an important historical role with regard to the setting of the main dwelling and the form and character of the settlement
7. The dangerous condition of the wall is disputed
8. Photographic evidence clearly shows the wall was stable and not dangerously leaning
9. The gravelled surface is not in-keeping and looks incongruous adjacent to the old stone buildings
10. The original yard surface material and stone walls are deemed to be important features that contribute to the character and appearance of a designated heritage asset, therefore contrary to LDF policies
11. Change of use is unsustainable and is a practice that could be repeated by other landowners that back onto the open countryside, thereby setting a dangerous precedent
12. The encroachment has a materially harmful effect on both the setting of the village and the character and appearance of the countryside
13. The additional curtilage would provide an external social area for the holidaymakers occupying the outbuilding and generate a noise nuisance, particularly to those existing residents that adjoin this area
14. Proposed alterations are contrary to LDF Policy DP1
15. The removal of a strip of agricultural land is blatant property development by stealth
16. The field should be immediately restored to its previous condition
17. It opens up the possibility for further development
18. Application 2/00/032/0144E with drawing 99/1058/1D was approved on 27.04.2000 for single storey ancillary living accommodation in the barns. There was no change to the status of the agricultural field and the wall was clearly shown on the approved plans with strict conditions applied in the approval to the walls. The amenities of the residential property nearby were also considered.

5.0 OBSERVATIONS

5.1 The main issues to be considered relate to the effect of the alterations on the character and appearance of the Crakehall Conservation Area and the effect of the alterations on the character and appearance of the grade II listed building and the setting of the listed building.

5.2 NPPF, para 131 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and to the desirability of new development making a positive contribution to local character and distinctiveness. Para 132 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.3 The most important heritage asset is the dwelling; the wall is not listed in its own right and although clearly of historic importance, is not of the same significance. The wall was a relatively small section that formed the boundary of the property between the yard and the paddock beyond. A gate connected the wall to the edge of the outbuilding to enclose the yard.

5.4 An inset area remains within the adjacent boundary wall to indicate where the wall was originally positioned and this allows a record to remain to indicate the evolution of the property.

5.5 It is disputed by local residents that the wall was in a poor condition. There is no evidence to suggest whether or not the wall was dangerous or structurally unsound. The Planning Authority must now consider whether consent should be granted retrospectively for its removal on the basis of the harm caused to the character and appearance of the listed building. It is not considered that the wall was of any special importance in its own right and it is not considered that its removal to provide a larger domestic curtilage causes harm to the character and appearance of the listed building.

5.6 Where a proposal leads to less than substantial harm to the significance of the heritage asset (NPPF para 134) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The removal of the wall allows a larger area to be provided for parking and turning in connection with the domestic use of the dwelling and the holiday accommodation unit within the outbuilding. Although adequate space was available prior to the removal of the wall the work does allow for a greater area and improves the viability of the holiday accommodation and therefore the use of the listed building.

5.7 The removal of the wall and widening of the gravel access track has altered the setting of the listed building, which is now more open and covers a greater area. Historically the area to the rear of the dwelling was the secondary area providing the amenity space and parking for the dwelling with ancillary outbuildings and storage. The role of the area remains unchanged and is characteristic of a courtyard. It is not considered that the removal of the wall and widening of the gravel access detracts from the setting of the principal building.

5.8 Where a proposal leads to less than substantial harm to the significance of the heritage asset (NPPF para 134) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The removal of the wall allows a larger area to be provided for parking and turning in connection with the domestic use of the dwelling and the holiday accommodation within the outbuilding. Although adequate space was available prior to the removal of the wall the work does allow for a greater area and improves the viability of the holiday accommodation.

5.9 The proposed fencing that has been erected on the edge of the paddock area does not detract from the appearance of the setting of the listed building and is considered to be acceptable.

5.10 A strip of land with dimensions of approximately 28m x 7m has been enclosed within the curtilage of Hill Top Cottage to create additional parking and amenity space for use by the holiday accommodation unit. This land previously formed part of the adjacent paddock and lies along the rear boundaries of neighbouring properties. The area of paddock is not considered as open countryside as it is bound on three sides by existing domestic curtilages; its use as domestic amenity space would not therefore detract from the character and appearance of the rural landscape.

5.11 None of the development is prominent or clearly visible as part of the Conservation Area; it is not considered that the proposed development would detract from the character or appearance of the Crakehall Conservation Area.

5.12 The proposed alterations are acceptable and approval of the applications is recommended.

6.0 RECOMMENDATIONS:

6.1 that subject to any outstanding consultations the application be GRANTED 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 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. 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.

6.2 that subject to any outstanding consultations the application be GRANTED listed building consent 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 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

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15/02819/FUL

Construction of a detached dwellinghouse and associated parking as amended by plans received by Hambleton District Council on 19 January and 8 February 2016 at The Old Forge, Exelby for Mr & Mrs G Price

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the southern side of the village street and currently forms part of the garden of The Old Forge. The site extends to cover an area of less than 0.1 hectares. The village street ends beyond the site and a single track road turns south along the western boundary of the application site, which is a public right of way.
- 1.2 The site is bounded on the roadside to the north and west by a mature leylandii hedge, which has a height of more than 3m. There is no access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 It is proposed to construct a two storey detached four bedroom dwelling on the site with an attached double garage. A new access is proposed from the village street by creating a gap in the boundary hedge. Approximately 22m of hedgerow would be removed along the northern boundary of the site.
- 1.4 It is proposed to retain the section of leylandii hedge that lies on the north western corner of the application site on the roadside. A stretch of 10m along the south western roadside boundary would be removed to create views into and out of the site. It is proposed to trim or remove sections of the hedge to achieve the required visibility splays for the proposed access.
- 1.5 The proposed dwelling would have a two storey gable facing northwards onto the village street with a single storey section to either side, one section being the garage. A single storey section is also proposed at the rear. The proposed dwelling would be finished in render on a brick plinth with a slate roof and powder coated aluminium windows and timber doors.

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 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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - object to the application in principle. The proposed development is outside the Local Development plan and a similar planning request was refused by Hambleton District Council recently for the same reason.
- 4.2 Highway Authority - due to the location and speed of traffic, the Local Highway Authority would expect a visibility splay of 2.4m x 43m in both directions, unless you can demonstrate the traffic speeds are lower than the 30mph speed limit then we could look to reduce the visibility requirements.
- 4.3 Ramblers - no objection.
- 4.4 Yorkshire Water - no comments received.
- 4.5 Swale & Ure Internal Drainage Board - The application states surface water to be to public sewer without demonstrating that Yorkshire Water will consent this or that alternative sustainable means of drainage have been investigated. Please condition that prior to commencement a full drainage strategy be submitted and approved which follows the recommended procedure in the NPPF.
- 4.6 HDC Corporate Facilities Manager - there is a public surface water sewer in the public highway at the front of the proposed development, but yes the applicant must contact Yorkshire Water for permission to connect, however they must investigate disposal of surface water by infiltration techniques.
- 4.7 HDC Environmental Health - Although the proposal is in close proximity to a farm building I have considered the potential impact on amenity and likelihood of the development to cause a nuisance. I have also considered the proximity of existing properties to this farm and as there is no history of complaints it is my opinion that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.8 Site notice/local residents - no comments received.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village in respect of its scale, siting and design, the effect on the rural landscape, neighbour amenity and highway safety and developer contributions.

Principle

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements identified in the hierarchy set out in the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional

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

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.
- 5.6 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies. The proposal is for a single infill dwelling and as such is considered, in principle, to be of a suitable scale.
- 5.7 The recent refusal referred to by the Parish Council relates to a development sited further from the village that was not considered to comply with the Interim Policy Guidance Note.

Character and appearance of the village and effect on the rural landscape

- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village but as it lies within an existing garden area surrounded by the leylandii hedge it is very much part of the developed character of the village rather than the surrounding countryside. 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."

It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

- 5.9 The proposed development is of a high standard of design that respects its immediate neighbours and is in keeping with the character and appearance of the village. The design includes a feature oriel window to the west elevation, the proportions of which add a contemporary feel to the dwelling. The NPPF in paragraph 58 suggests that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. It is considered that the proposed design achieves this aim.

Neighbour amenity

- 5.10 The closest neighbour would be the existing property at The Old Forge, which retains the significant portion of domestic garden. There would be adequate distance between the two properties for the proposed development to have no adverse impact on residential amenity.
- 5.11 A plan has been submitted that demonstrates that the required visibility splays identified by the Highway Authority can be achieved across land that is within the ownership of the applicants. On that basis there are no highway safety reasons for withholding permission.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. 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.
 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 for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details and retained.
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 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. 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 in accordance with approved drawing 159/02 (02)005 A Proposed Site Plan - Visibility Splays. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference 159/02 (02)005A Proposed Site Plan); and 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.
11. 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.

12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating 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.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 159/01(02) 001A, 002A, 003, 004A and 005A received by Hambleton District Council on 18 December 2015, 19 January 2016 and 8 February 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To 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.
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 ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP17, CP21, DP32 and DP43.
6. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with LDF policies CP21 and DP43.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance 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 in the interests of road safety.
10. 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.
11. 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.

12. 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.
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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Parish: Kirkby
Ward: Stokesley
4

Committee Date: 3 March 2016
Officer dealing: Mrs B Robinson
Target Date: 5 February 2016

15/02246/FUL

**Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building as per amended plans received by Hambleton District Council on 18th December 2015 and 9th February 2016
At: Land and Buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland
For: Mr & Mrs Rowland Holmes-Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies behind frontage properties on the east side of Hill Road, approximately 70m south of the village crossroads. The site is accessed by a concrete road, approximately 5 metres wide, between the gable ends of Kirkby House Farm (dwelling) and Heather House. The site lies just outside the south east extent of the Kirkby in Cleveland Conservation Area.

1.2 The site includes a farm yard. The farm yard includes 3 large agricultural sheds, a timber single storey building, and a pair of brick stable buildings. Agricultural use appears to have ceased. To the east of the farm yard, the wider site includes agricultural land extending to a beck. The total site area is stated to be 2.07ha, of which the farmyard is 0.46ha. The surroundings include residential property fronting Hill Road and Kirkby Road. A public right of way runs through the site from an access point on the south side of the existing farm buildings.

1.3 The main proposal is a development of 5 houses, in the existing farmyard area. The buildings include two detached houses on the south side of the access road (Farmhouse and Barn 1), and on the north side of the road a group of 3 houses, including one open market house (Barn 2) and two proposed affordable houses (Barn 3, dwellings 1 and 2).

1.4 The proposed houses are designed with the general character of traditional buildings. 'The Farmhouse' is two storey, detached, with rear wing forming an L shape. It has a double front form, with a timber door case, eaves formed low over the first floor windows, traditional water tabling at the roof edge and 2 chimneys.

'Barn 1' is detached, two storey, with a longitudinal form, water tabling and no chimneys. It has a lower ridge at one end. The design includes features typical of a former agricultural building, including external steps on the east elevation.

'Barn 2' is single storey with a transverse 2 storey element projecting forward, and has features similar to Barn 2.

'Barn 3' is single storey and forms two x 2 bedroom dwellings, with hipped roof at the outer end.

The proposed materials are brick and/or herringbone faced stone, roofing is clay pantiles and/or slate. Windows are timber aluminium or pvc –details to be confirmed

The proposal includes a hipped roof treble garage with the Farmhouse, double garage and (store) to Barn 1 and attached double car port to Barn 2. The two dwellings forming Barn 3 each have a single car port.

- 1.5 The buildings are arranged together to form a loose courtyard arrangement.
- 1.6 The application includes surrounding land, which is intended to be used for keeping of horses.
- 1.7 A stable building, with two stables, tack room and store is proposed at the rear boundary with Ravenscar (which fronts Hill Road). A stable previously proposed at the rear of Otters Hill has been withdrawn from the application.
- 1.8 The application includes an area land to the east of Barn 2, intended for 'allotments' to serve the existing house at Kirkby House, and one of the new houses.
- 1.9 The application includes a proposal to change the use of a strip of land at the rear of Hill Road (properties Heather House, Barn View and Hill View) to domestic use in association with those houses. The strip of land is approximately 5 metres deep. There is a further area of land, not included in the curtilage of the proposed house which has been offered for sale to Rudland house but which has not been taken up. It is to be considered for domestic use at this stage.
- 1.10 The scheme involves the diversion of the public footpath, to take a direct route through the site, via the main access.
- 1.11 'Affordable' housing is proposed in the form of the two single storey dwellings forming Barn 3 and are intended to be offered for sale at a discount to qualifying persons.
- 1.12 The application is submitted with bat survey, transport statement, contamination survey, demolition survey and viability assessment (in relation to affordable housing provision).
- 1.13 Since receipt of the application, the site boundary has been corrected to recognise existing land ownership at neighbouring properties, and a temporary access road is proposed off Hill Road, approximately 200m to the south. The access from Hill road is intended to be retained in modified form to provide access to the south field and stable.
- 1.14 The transport statement proposes changes to the 'give way' line at the junction of Hill Road with Busby Lane to improve visibility to the west (past the pub).
- 1.15 The proposal has been the subject of a public exhibition and discussions with the Parish Council prior to the submission of the application.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/00095/FUL - Construction of six holiday cottages and change of use of agricultural land to garden; Withdrawn 10 May 2010
- 2.2 10/02927/FUL - Revised application for the construction of six holiday cottages and change of use of agricultural land to domestic garden; Refused 4 February 2011. Appeal dismissed 28 June 2011.

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 CP4 - Settlement hierarchy
 Core Strategy Policy CP9 - Affordable housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 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 CP17 - Promoting high quality design
 Development Policies DP32 - General design
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policies DP39 - Recreational links
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Observations:

- Highway safety – concerns about safety of footpath users on entrance road into site. Object to change to road markers at crossroads – road safety hazard. Loss of existing vehicle parking within the site. Construction vehicles. Surface water will need to be managed to avoid run off into Hill Road.
- Planning application – concerns about precedent, particularly in the large paddocks. The proposed development is on the site of farm buildings and is different from other agricultural land abutting the village limits. The development would not substantially change the built outline of the village.
- Query cumulative total with other new development in relation to Interim Guidance.
- Impact on Underbrow.
- Light pollution.

4.2 Highway Authority – Notes concerns about visibility to Hill Road, northwards in particular. Consideration also given to existing previous and potential uses of the site put forward in the transport assessment and note of views of previous inspector at appeal. Conditions requested.

4.3 NYCC Footpaths - public right of way to be kept clear until such time as any alternative route has been provided and confirmed.

4.2 Northumbrian Water – No response.

4.3 Historic England – recommends that HDC determines the application in accordance with national and local policy guidance and in-house conservation advice.

4.4 Neighbour observations

Objections (summary)

- Houses - Size too large, bungalows preferred, not in character with agricultural buildings. Not in keeping with conservation area
- Location – does not reflect the form of the village – contrary to village design statement
- Amenity – harm to outlook and light. Loss of privacy. Light pollution. Allotments messy – lock up garages would be more beneficial. Storage of bins offensive to near neighbour. Loss of direct access to right of way.
- Traffic – excessive traffic, poor sight lines Hill Road hazardous danger to pedestrians, impact on junction.
- Drainage and services – needs to be sustainable. Query capacity of sewerage system.
- Precedent – development on other land nearby

- Wildlife – owls and bats seen at night.

Support (summary)

- Removal of buildings will enhance village. There were significant issues of noise and smell when in use as farm.
- Design – confidence in the architect . Sympathetic design.
- Outlook – improved (amendments requested)

4.4 Any additional responses to the amended scheme (with construction track) will be reported to the meeting.

5.0 OBSERVATIONS

5.1 Kirkby is a village without status within the hierarchy set out in CP4 as adopted in 2008. In 2015 the Council adopted Interim Policy Guidance which updates the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. The document lists Kirkby as an ‘other’ settlement and Kirkby is included with Great Broughton as an example of close villages which can together form a ‘cluster’ where development in one may support services in the other.

5.2 Accordingly the main consideration is whether the development is in accordance with the criteria of the Interim Guidance, and thereafter whether it is in accordance with any other relevant policies of the local plan including, design (CP17 and DP32), impact on the amenity of nearby occupiers (CP1 and DP1), affordable housing (CP9 and DP15), the implications of the proposed footpath diversion, and any highway safety issues.

Policy

5.2 The Interim Policy Guidance states that “Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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

5.3 In terms of support for local services, Kirkby has some services, including a pub and is approximately 1 km from Great Broughton which has additional services, including a school which is readily accessible via a paved footway. The proposed development can be considered to support local services.

5.4 The proposal is for five houses, two of which are notably small. Although Kirkby is a small village, five houses is consistent with the suggestion within the Interim Policy Guidance that up to five dwellings may be considered to be small scale. Particularly taking into account the close connection with the larger development nearby, five is considered acceptable in principle.

- 5.5 The form of the village is strongly cruciform, with a central crossroads. The existing farm buildings form a small infill in the south-eastern corner of the crossroads. Given the precedent for development in this location, the scheme retains the essential form of the village.
- 5.5 The character of the village is mixed, with historic buildings in the central core and a suburban spread beyond. The proposed dwellings form a semi-enclosed group based on traditional forms and would maintain the character of the village.
- 5.6 The site lies outside, but in part adjacent to the Conservation Area, and by the use of traditional materials and design features will not be harmful to its historic character.
- 5.6 The effect on the surroundings would be a change of character from large agricultural buildings to domestic buildings and associated activity, and subject to control over boundary treatments the net effect on the surrounding countryside would not be harmful.
- 5.7 A more detailed consideration of the design shows that the proposed dwellings make a successful attempt to suggest a hierarchy of dwellings that might arise from the development of barns and ancillary buildings around a farm house, and with the exception of the twin properties in Barn 3, provides a pleasing variety of unique designs and together with the use of brick and stone materials and clay pantiles will be fitting to the village-edge location.

Neighbour amenity

- 5.8 The proposed houses would be more than 30m from the rear of neighbouring dwellings on Kirkby Lane and with the exception of an intervening garage building, are a similar distance from properties on Hill Road. The north side of the development is mainly single storey with a relatively slim two storey wing facing the boundary between Otters Hill and Bells Garth. Particularly taking into account the distance, the relative height and proximity of the existing buildings, the two storey element is not overbearing and will not result in an unacceptable loss of privacy. The north side and the west side of the proposed development are each set back from the boundary compared with the existing buildings, thus improving outlook generally from nearby houses.

Affordable housing

- 5.9 Affordable housing is not provided through a registered provider. The scheme as most recently amended is intended to provide two dwellings equating to a 40% provision. The dwellings would be subject to a Restrictive Covenant requiring them to be bought and sold at a discount of not less than 35% to open market value in perpetuity. The dwellings would be subject to Planning Conditions or a Section 106 Agreement restricting ownership to persons approved by the District Council or their successor. To be eligible purchaser(s) must have:
- A local connection, in accordance with the Council's published Criteria (currently set out in the Affordable Housing SPD) and
 - A household income of less than the median income for the locality and at the time of purchase, the purchaser or their spouse or civil partner must either be:
 - Over 60 years of age, or in medical need of the type of accommodation provided; or
 - In need of affordable housing by virtue of their financial circumstances.

The proposed affordable houses are designed to meet the national size standard for two bedroom/three person dwellings, and do not meet the Council's standard for two

bedroom dwellings (which are intended to meet the needs of up to four people). Due to the form of development and proposed level of provision, it is considered that the size standard is acceptable. Subject to the appropriate control mechanisms to ensure that the proposed restrictions are enforceable, the proposal is considered to achieve the main aims of affordable housing and is acceptable in principle.

Footpath diversion

- 5.10 This would be a reversion to the historic route reportedly diverted in the 1980s to avoid pedestrian traffic through the farm yard. As now proposed it gives a simple direct route to join the eastern continuation of the path and is acceptable in principle.

Highway safety

- 5.11 Highway safety in connection with the exit of the development onto Hill Road is potentially compromised by the limited visibility to the north, which is obscured by the adjacent garden wall. The response of the Highway Authority makes reference to the decision of the Inspector at the appeal in the previous proposal for 6 holiday cottages on the site. The inspector made reference to the 5 metre wide access which was considered adequate for two way traffic and notes in respect to the restricted visibility that Hill Road is not a through road. Relating the situation to that of many rural villages the Inspector did not consider this arrangement unsafe. The Inspector also noted that the access served substantial farm buildings with no evidence that it had not functioned safely in the past.
- 5.12 While there is no agricultural activity at present on the site, and the proposal will thus intensify the present usage, the main consideration of the earlier Inspector was the status of Hill Road, which the Inspector noted that, typically of rural villages, functions as a shared surface. Particularly as the Highway Authority does not resist this line of argument, highway safety is considered adequately addressed. Subject to the outcome of the safety audit required by the proposed highway condition, the works proposed at the cross roads will be a general benefit to highway safety.
- 5.13 With regard to the proposed new access to serve the construction route the views of the Highway Authority are awaited.
- 5.14 However, the overall view is taken that the proposal will not compromise highway safety, and there may be some benefit arising from works to improve visibility at the crossroads. With regard to safety of pedestrians, additional details have been submitted showing clearly the provision of a clear footpath along the access point, defined by surface treatments, with passing place within the site.

Neighbour amenity

- 5.15 The change of use of land to domestic to serve existing house would be of benefit to the local residents concerned without harm to the surroundings or other neighbours. The proposed stable at the rear of Ravenscar is relatively unobtrusive and subject to control over the storage of manure, will not have an unacceptable harmful effect on the amenities of neighbours. The use of the northern and southern paddocks for horse grazing would not of itself require consent, and new buildings which require consent can be controlled as necessary, as they arise. Allotment gardens are to serve two existing properties in close proximity, and do not give rise to concerns about neighbour amenity or additional car parking, as they can be served from the dwellings concerned.
- 5.15 The application includes details of bin storage (including the new recycling bin). As this would be for collection only, there is no reason to suppose that the bins would be

a nuisance to near neighbours. Lighting on houses can be controlled by condition, if necessary.

Ecology

- 5.16 A reasoned risk assessment with regard to bats and owls found no evidence of bat roosting and no evidence of owl activity. There is a minor negative effect in loss of foraging habitat for bats. Mitigation is not required but compensatory measures are proposed in the form of 3 bat roost units in gable walls.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01Rev D; 04 Rev D; 05 Rev C; 06 Rev A Farmhouse floor plans; 07 Rev A; 06 Rev A Barn 1 floor plans; 09 Rev A; 10 Rev A; 11 Rev A; 12 Rev B; 13 Rev A; 14 Rev A; 15 Rev A; 16 Rev A; 17 Rev A; 18 Rev B; 20 Rev A; 21Rev A; received by Hambleton District Council on 9 February 2016 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development 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.
 5. 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 above.
 6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
 7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
 8. The 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.

9. 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.
10. No development shall take place until the Public Right of Way diversion has been confirmed.
11. Unless otherwise approved in writing by the Local Planning Authority, the allotment gardens hereby approved shall be used solely for recreational gardening ancillary to the domestic occupation of Kirkby House Farm and/or residents of the dwellings hereby approved and not for any other public or private use.
12. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.
13. There shall be no burning of manure on site and no storage of manure except in accordance with a scheme previously approved in writing by the Local Planning Authority.
14. No bins shall be stored on the collection point hereby approved except on the relevant collection day and the day preceding.
15. 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.
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 until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. Build out and alterations to the give way line and other lining in the vicinity of the Hill Road/Kirkby Lane junction; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
17. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 05 Rev C. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
18. 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.

19. 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 in consultation with the Local Highway 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; c. storage of plant and materials used in constructing the development; d. wheel washing facilities; e. measures to control the emission of dust and dirt during construction; and f construction access to the site.
20. The houses hereby approved shall not be occupied unless there has been implemented compensatory measures to ensure the conservation status of the local bat population in accordance with the scheme set out in Reasoned risk assessment for bats and barn owls dated September 2015 by Barrett Environmental Ltd received by Hambleton District Council 7 October 2015.
21. [Affordable Housing conditions TBC]

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework 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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. 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.
9. To ensure that the development is appropriate to the amenities of the surroundings in accordance with Local Development Framework Policy CP1 and DP1.

10. To ensure that the reasonable enjoyment of the use of the public right of way which crosses the land of the application site is not harmed by commencement of development in accordance with the Local Development Framework Policies CP19 and DP39.
11. To enable the local planning authority to assess the impact of any alternative use, in accordance with the policies of the local plan.
12. In the interests of the open character of the countryside, and the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP16, DP 30, CP1 and DP1.
13. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
14. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
15. In accordance with policy CP2 and DP4 and in the interests of highway safety.
16. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
17. In accordance with policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
18. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
19. In the interest of safety and the general amenity of the development.
20. In the interests of nature conservation, in accordance with Local Development Framework policy CP16 and DP31.

15/02378/OUT

Application for outline planning permission for the construction of 2 dwellinghouses (single and two storey) with all matters reserved at Rear of Half Acre House, Kirklington for Mr Raisbeck

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Half Acre House lies towards the south eastern edge of the village on the southern side of the road. The application site lies to the rear (south) of the dwelling and covers an area of approximately 0.14 hectares, which is used as a paddock for chickens. Much of the site is overgrown. The ground level rises from the rear boundary with Half Acre House and its neighbours to the east, which include numbers 1 and 2 Hambleton View. Mature trees lie along the south west and east boundaries of the site.
- 1.2 It is proposed to construct two dwellings on the site. The application is an outline application with all matters reserved. However, the access arrangements are clear because the application site includes the existing driveway that serves Half Acre House and lies to the side of the house. An extension to Half Acre House and the detached garage associated with it would have to be demolished to allow this access.
- 1.3 An indicative block plan has been provided illustrating the position of a single storey dwelling and a two-storey dwelling served from the existing access and the driveway shared with the existing house. One dwelling would stand behind Half Acre House and the other behind 1 and 2 Hambleton View.
- 1.4 No affordable housing provision or contribution is proposed.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Parish Council - No adverse comments were raised with regard to this application.

4.2 Highway Authority - There is a concern about restricted visibility from the existing access in a north westerly direction. I have identified an alternative location for a shared access that could serve the existing and proposed dwellings, giving satisfactory visibility in both directions. This location is centred 8 metres from the boundary with Caurus House. Subject to this access being constructed to an appropriate standard and the existing access closed off, I would have no objection to the proposal.

4.3 Environmental Health Officer - no objections

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

- The proposed houses are large in scale and proportion to the immediate smaller neighbouring properties
- The scale of the properties is not in proportion to the plot size. The smaller neighbouring properties have large plots, however the gardens of the proposed dwellings are small and are laid predominately to driveway with the two storey house having a driveway, parking and turning space. Given the small size of the gardens and the available space being used for cars the environmental diversity of the space would not be enhanced
- The proposed development from the top rooms of the two storey house will overlook several of the neighbouring properties resulting in a serious invasion of our privacy. The site is on slight elevation and that coupled with one of the dwellings being two storeys will mean that we are seriously overlooked. Our garden faces south west and we are concerned that the two storey dwelling will cause loss of light to our home and garden, this may be addressed if the proposed dwelling was single storey. The proposed development will have a detrimental impact on us and our right to enjoy our property
- The site is screened by three large mature trees and bushes and supports wildlife habitats which include birds and squirrels. Given that the surrounding land is predominately arable and heavily farmed the trees are invaluable to the local environment. The proposed dwellings are situated very close to the trees
- Should the application be approved consideration be made regarding hours of operation and how and where construction vehicles and staff gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours
- I live opposite Half Acre House and am worried about the access to the land. At present I often struggle exiting my drive as the occupants of the above often park on the street alongside my drive. This makes exiting often difficult.
- Increased noise and activity from extra vehicles
- The proposed dwellings would have an imposing impact on the surrounding existing properties
- There is no public transport of any note
- There appears to be the possibility of further development on this site
- If approved would like to discuss detailed plans and other concerns regarding construction work.

4.5 Five letters of support have been received, with the following comments:

- As a frequent visitor to the village. I believe this development is sympathetic to the surrounding area and helps create much needed housing in our rural areas. It is great to see a plan with adequate parking to help reduce on street parking in the village.
- With reference to the proposed development 15/02378/OUT immediately to the rear of my house. I fully support all parts of the application and have no objections at all. It will not in any way affect my garden, take light from my house or overlook me.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the rural landscape, neighbour amenity and highway safety, and the provision of affordable housing.

Principle

- 5.2 The site falls outside of Development Limits as Kirklington does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the settlement hierarchy contained within the IPG, Kirklington is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies adjacent to the village of Kirklington and lies 2.5km along the B6285 from the edge of Carthorpe, which has a pub. This route is via a country road which is unlit and without footpaths. Facilities in the village itself include a pub, a village hall and a church.
- 5.5 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village, or comprise smaller settlements that are sufficiently close to function together. The IPG indicates that villages should be approximately 2km apart to allow this and the 2.5km distance to

Carthorpe is considered to meet this. However, the route adjoining the two villages is relatively poor in that the road is unlit and has no footways. However, on balance criterion 1 is considered to be satisfied.

- 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 site lies to the rear of existing dwellings fronting onto the village street. Kirklington is traditionally a village with all its properties fronting onto a village street and with very few examples of backland development. The proposed development would produce almost a second row of development behind the existing frontage properties, which would be completely out of context with its surroundings.
- 5.7 The agent has submitted supporting information to suggest that there is no land that would be available to continue the linear development of the village due to the built and natural environment of the settlement. In order to achieve the Council's 5 year housing land supply therefore, development should take place behind existing frontages, the type of which is already found within the village.
- 5.8 The Council's five year supply of deliverable housing land is a separate matter and notwithstanding the specific figure, it has previously been recognised by an appeal inspector that the contribution a small scale development would make towards addressing the undersupply of housing would not outweigh the harm a scheme could cause through the location of the proposed development. The guidance in paragraphs 47- 49 of the NPPF advises that planning should take account of the different roles and character of different areas.
- 5.9 The examples of backland development within the village are few (two) and are not similar to the proposed development, one being a conversion. This form of development is not therefore commonly found within Kirklington and the development of the application site would be of detriment to the form and character of the village, contrary to LDF policies CP17 and DP32, which require new development to respect local character and distinctiveness.
- 5.10 The site is used as a paddock and is not part of the open rural landscape. Due to its use and the structures that are stored on site, its appearance is more in keeping with the village rather than the adjacent countryside. This is reinforced by the landform, which rises up beyond the houses and screens much of the view of the rural landscape beyond. It is not considered that the development of this site would have an adverse impact on the openness of the surrounding rural landscape and would not therefore be contrary to LDF Policy DP30.
- 5.11 The existing terraced dwellings at Hambleton View have relatively long gardens at approximately 14m in length. The illustrative block plan shows the front elevation of each of the proposed dwellings set back more than 15m beyond the rear elevations of the existing frontage properties. It is considered that this would be a satisfactory distance to prevent overlooking or an overbearing impact and would protect the amenity of both the existing and future residents subject to the submission of a detailed scheme.
- 5.12 Additional vehicle movements would occur along the existing driveway adjacent to the existing dwelling at Half Acre House. This would increase the disturbance experienced by the residents but as it would serve two additional dwellings it is unlikely to be to a level that would be unacceptable and contrary to LDF Policy DP1.
- 5.13 The Highway Authority has no objections to the proposed use of the existing access subject to alterations, which would provide the required visibility splays. On street parking does occur along this stretch of road but the application proposes to provide

adequate facilities for parking within the application site boundary, which should preclude an increased number of vehicles from parking on the roadside.

- 5.14 LDF Policy CP9 requires housing developments of 2 houses or more to make provision for an element of affordable housing. In this instance the requirement is for 40% affordable housing provision. The applicant does not propose to provide any on-site provision and has submitted information regarding the viability of the scheme to support the proposal for a zero commuted sum contribution. The viability details provided however are not considered to be adequate to demonstrate that no contribution can be made and refusal is recommended on these grounds.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:

1. 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, the proposed development does not reflect the existing built form and character of the village 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 LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.
3. In the absence of affordable housing provision the proposed development is contrary to LDF Policies CP9 and DP15, which require in this instance, a 40% proportion of affordable housing.

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Parish: Maunby
Ward: Morton on Swale
6

Committee Date: 3 March 2016
Officer dealing: Mrs H M Laws
Target Date: 11 March 2016

15/02337/OUT

Outline application with all matters reserved for the construction of a single detached dwelling as amended by plan received by Hambleton District Council on 16 December 2015

**at Land adjacent to Church Cottage, Maunby
for Mr James Hill-Walker.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies in the centre of the village on the north western side of the village street. The land is a field currently used for grazing. The site is set back from the edge of the highway and is separated by the memorial village green. The application site includes a strip of land (3.5m wide) at the eastern side of the village green, immediately adjacent to the boundary with the property known as Church View Cottage. This strip of land connects the field with the highway.
- 1.2 It is proposed to construct a detached dwelling on the site. The application is an outline application with all matters reserved. An indicative elevation and layout drawing of a single storey dwelling with access across the village green, has been submitted.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - wish to object to this planning application as to carry out the works, they would have to go over the village green

- 4.2 NYCC Highways - The submitted site plan shows an existing access across land which is registered as village green. This access has no formal construction and there is little evidence of use. Visibility is very restricted in a north easterly direction by the hedge on the frontage of the neighbouring property which is not within the applicant's control. Initially the available visibility was assessed at 6 metres and refusal was recommended. This has been superseded by a recommendation of approval subject to conditions, following a speed survey, carried out to demonstrate that a reduced visibility splay can be applied and improvements to visibility can be achieved.
- 4.3 Yorkshire Water - no comments.
- 4.4 Public comment - objections have been received from 5 local residents, which are summarised as follows:
- The verge referred to in the application is in fact the village memorial green
 - The only access across the land is for occasional agricultural use
 - The site is not an infill site
 - The village has grown organically along the main road but villagers left a natural gap, now the memorial green and paddock between Church View Cottage and the dwellings at The Row
 - The area in question has a natural, built and historic past which should be preserved and which would be seriously and detrimentally affected by any developed right of access across the memorial green or presence of building in the paddock
 - The development would conflict with the principles of the Interim Policy Guidance
 - The general linear form of the village building line has so far been preserved in that no dwelling is built to the rear of any other structure and each fronts onto the main street. Building in the paddock places any building to the rear of the memorial green and to the rear of the building line of both The Row and Church View Cottage. It would not therefore fit with the linear development of the village or reflect the character of the village.
 - Infilling will essentially block-in an important gap left in the building line; the gap contributes greatly to the rural character and appearance of the village.
 - The paddock has an elevation approximately three feet above Church View Cottage and the proposed dwelling is shown as 1.2m from the boundary of 1 The Row. The view of the open countryside would be spoilt by the proposed development
 - This development would be both overbearing and overlooking
 - The green is enjoyed as a playing area
 - It seems designed as a precursor to additional construction to the rear of Church View Cottage
 - Properties such as Acacia House presently enjoy an open outlook and the proposed development could be seen as being harmful to the amenities of the occupants
 - Vehicles crossing the access would have an overbearing impact on the neighbouring property compared with the generally peaceful ambience which these properties presently enjoy
 - Access to the neighbouring property's east facing garage gable wall will be compromised.
 - The limited visibility is down to fencing and hedgerow to the north east of the green, which is the ownership of Church View Cottage. My intention is for the hedge to grow to the height of the fence masking it from view.
 - The agent also suggests that to achieve extended views the hedge could be reduced in size. As already identified by Highways the applicant has no control

over this and I am not about to reduce the height of my hedge, in due course it will be allowed to grow to the full height of the fence.

- That local residents, visitors to the village and the church park daily on this piece of the highway. There are no restrictions and it is not uncommon for parked cars to be in situ from The Row, past the green and beyond my house and they are usually parked on the north side of the road. As a result any vehicle turning left from the proposed development is highly likely to be confronted by a parked vehicle reducing visibility to the east, and the turn would involve using the opposite side of the carriageway. If the proposed application were granted it would add significant risk and danger to highways users.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site falls outside of Development Limits as Maunby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the updated settlement hierarchy accompanying the IPG, Maunby is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies centrally within the village; facilities in the village itself include a pub and a church. However, settlements smaller than secondary villages have to be capable of forming a cluster with nearby villages in order to be considered a sustainable location for development, the IPG indicates that settlements within a cluster should be sufficiently close and provide an appropriate range of facilities and service between them. The IPG indicates that such settlements should be up to approximately 2km apart and either include a Service or Secondary village, or be a combination of Other Settlements that cumulatively provide the level of services and facilities required for a sustainable settlement. In this case, Maunby is approximately 2km from South Otterington, designated a Secondary Village, therefore criterion 1 is satisfied.

Character, appearance and rural landscape

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The site does not front directly onto the street but lies at the rear of the memorial village green. It would not be an example of backland development as it would front onto the existing area of open space. The general building line within the village varies; the terraced properties at The Row are set back further from the highway than the detached bungalows and cottages that are located immediately to the east of the application site and opposite but otherwise the building line is varied.
- 5.6 An indicative layout has been provided, showing the dwelling set back behind the rear building line of the dwellings at The Row. Although indicative it is unlikely that a dwelling could be positioned any closer to the front boundary. The dwelling illustrated is single storey with a cottage style that is similar to other properties within the village and would be in keeping with the more traditional character of Maunby.
- 5.7 It is important to consider the impact of the development on the character of the village as a result of a loss of outlook beyond the memorial green, which is currently rural in aspect. Long range views beyond the paddock are restricted by existing mature hedgerows and the landform, which gently rises and it is considered that the paddock relates better to the village than to the open countryside beyond. The existing mature hedgerow that lies on the boundary between the memorial green and the application site is mature and well established and would provide a strong boundary between the existing and proposed uses.
- 5.8 Although access is not a matter to be considered at this stage it is clear that the strip of land across the memorial green is the most likely option to be used as a driveway as it is the only part of the application site that abuts the highway. Subject to the use of appropriate materials with which to surface the drive, the openness of the green space would not be adversely affected.

Neighbour amenity

- 5.9 A single storey property of a low height would have less of an overbearing impact on the memorial green and would be less likely to overlook or have an overbearing impact on existing dwellings to either side. It is not however recommended that a condition be imposed to restrict a dwelling to single storey as it may be possible to design a two storey dwelling without harm. This would be a matter for consideration at the reserved matters stage.

Highways and access

- 5.10 The Highway Authority initially objected to the planning application on the grounds that the use of the strip of land across the village green as the access would be unacceptable due to poor visibility to the east as a result of the neighbouring fence and hedge. Following a speed survey the required visibility has been reduced from 43m to 25m. The County Council has recommended a Grampian style condition requiring the visibility to be in place before the access is used in connection with the development.
- 5.11 The neighbouring resident has made it clear that the hedge and fence is within his control and he has no intention of allowing it to be reduced in height to allow the required visibility of 25m. Consideration of the means of access is a matter reserved at this stage but there is case law that suggests that a future reserved matters application cannot be subsequently refused on grounds that go to the principle of the development itself. The details of the access have been provided as part of an

illustrative layout and it is not envisaged that any other access would be achievable within the perimeters of the site. This would be sufficient to provide grounds for refusal of the current outline application notwithstanding that the access is not a matter for approval at this stage.

- 5.12 The rights of the applicant to cross the village green to gain access to the development from the highway is not a material planning consideration and is not relevant to the determination of the planning application. Access to maintain a side gable of a neighbouring property is also not relevant and is a civil matter between the parties concerned.
- 5.13 Case law demonstrates that a refusal on a matter which goes to the principle of the development must be made at the outline application stage and therefore it is recommended that the application is refused on the grounds of highway safety.

6.0 RECOMMENDATION

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

1. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2 metres x 25 metres cannot be achieved in a north-easterly direction at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety and would be contrary to Local Development Framework Policies CP2 and DP4.

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Parish: Newton-on-Ouse

Ward: Easingwold

7

Committee Date : 3 March 2016

Officer dealing : Mr Andrew Thompson

Target Date: 26 January 2016

15/02701/FUL

Construction of a free range egg laying unit with associated feed bins, hardstandings and attenuation pond, and the siting of an agricultural workers mobile home. at Land Adjacent To Three Acres High Moor Lane Shipton By Beningbrough for B L Knowlson.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to a field of 5.5ha on the eastern side of High Moor Lane and to the west of the railway line. To the northeast boundary is an unmanned level crossing with a public footpath running to the north along Newton Sidings. The nearest residential properties is Three Acres, 1 to 2 Newton Sidings and Brickyard Cottages. The area is relatively flat with the boundaries being formed of hedges to High Moor Lane. Some tree planting has been carried out in the field.
- 1.2 The application proposes erecting a 11,000 bird free range egg laying unit as a new agricultural enterprise. The proposal is intended to enable the applicants to develop the modest land parcel into a viable agricultural business, creating full-time employment for the applicants and a further employed worker.
- 1.3 The proposed free range egg unit is to consist of a single purpose built poultry building extending to 73.148m x 18.287m and 2.6m to the eaves with a total height of approximately 6m. The proposal includes the siting of a mobile home (69sqm, measuring 11.5m by 6m) for a full-time agricultural worker.
- 1.4 The application is supported by a Design and Access Statement, Agricultural Justification Statement for the mobile home and a Flood Risk Assessment.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning history

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community assets

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

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

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP9 - Development outside Development Limits
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP36 - Waste
 Development Policies DP43 - Flooding and floodplains
 Development Policies DP44 - Very noisy activities
 National Planning Policy Framework - published 27 March 2012
 National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Newton on Ouse Parish Council - Object on grounds that the site is inappropriate for purpose applied for; smell would affect local residents; noise from the birds; the visual impact; infestation of flies and/or rats attracted by smell; Trains whistle as they approach crossing causing panic to hens; No shade for hens; No site notice in place until 5 Jan 16; Proposed property concerns and specific issues with the Planning Application.
- 4.2 North Yorkshire County Council Highways - No objection subject to conditions.
- 4.3 Environmental Health - No objection subject to conditions.
- 4.4 Network Rail has "no observations to make".
- 4.5 Public Rights of Way Officer - No objection subject to an informative.
- 4.6 Ramblers Association - Objection - raising the following points
- Note the Applicant has already planted screening belts adjoining this Lane and also adjoining the railway.
 - Further planting is required at the High Moor Lane end of Newton Siding.
 - The proposed buildings are completely out of scale with other properties nearby and the existing hedge will not provide an adequate screen to break up the size of this unit from the Tollerton Road, which is used by a large number of motor vehicles and cyclists.
 - It is unclear as to who is going to live in what is said to be an agricultural worker's temporary mobile home, nor as to its permanence.
 - Concerned that there will be a further Application to erect a permanent home at the end of any period for a temporary home.
 - In either case 24 hour supervision is required, so where is the part time worker going to live, bearing in mind a Decision Letter mentioned in Mr Pick's Report said there should be a worker on call 24/7 within earshot of an emergency.
 - In respect of spooking of the hens, we note that Linton upon Ouse Airfield is within a short distance of the site and may cause problems.
 - Noise due to the proximity of the railway is hopefully ameliorated by the planting adjacent to the railway.
- 4.7 11 letters of objection have been received from local residents (some residents have written more than once) raising the following points:
- Visual Impact - size and scale and appears more industrial than agricultural.
 - 11,000 chickens seems to be highly over populating the land
 - Smell and odours and impact on amenity

- Dust, Flies, Rodents and Feral/Escapee Chickens
- Noise from alarms and operations and impact on amenity
- Animal welfare including noise from the nearby airfield, railway and road traffic
- Has justification for dwelling been made?
- Concern temporary dwelling will become permanent
- Creation of waste - how will this be dealt with?
- Drainage and would result in the pollution of groundwater and nearby lake
- Accuracy/adequacy of application form and supporting statement
- Loss of property value

5.0 OBSERVATIONS

5.1 The main issues are the principle of the development, the impact of the proposals on the character of the area, the impact on any nearby residential properties from noise and odour in particular and highway and drainage issues. The proposals, in accordance with regulations, are considered on their own merit and in terms of the accumulation with other development.

Principle of Development

5.2 The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes 'breeding and keeping of livestock (including any creature kept for the production of food)'. The application does not include the processing of meat at the site and therefore it is considered that the proposal falls under the definition of an agricultural activity and should be assessed against agricultural policies in the development plan.

5.3 One of the core principles of the NPPF is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 14 sets out a presumption in favour of sustainable development. Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- promote the development and diversification of agricultural and other land-based rural businesses.

5.4 Policies DP25 and DP26 of the Development Policies DPD sets out support for agriculture and agricultural enterprises including the promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production, together with its processing, marketing and retailing; and support for integration of agricultural activities, including for slaughter, processing and packaging facilities on farms which serve clusters or co-operatives of producers; and guiding the development (including the design and siting) of new agricultural buildings (including agricultural workers' dwellings) to locations which are sensitive to their environment.

5.5 The proposed development is for an agricultural enterprise and whilst modern in design and nature, considered further, the proposals for a free range egg laying unit are acceptable and supported in principle by national and local policy.

Impact of the development on the character of the area

- 5.6 The proposals are considered against and within the context of the impact of the buildings on the landscape and the wider area and the size of the proposals and concerns raised by local residents.
- 5.7 The proposals would be visible from the surrounding area, with the site and surroundings being relatively flat. The presence of recently planted hedgerows on the High Moor Lane frontage is noted and the proposals would sustain and enhance this planting. It is noted that the proposals are relatively low in height at 2.6m to the eaves and 5.95m at maximum.
- 5.8 In the context of the landscaping to the High Moor Lane and other agricultural enterprises (e.g Shipton Grange and Stackhouse Farm) the long to medium range visual impact would not be significant or unusual for the landscape of large agricultural enterprises and structures.
- 5.9 The public footpath along Newton Sidings is noted and the proposals would be visible from the footpath. Landscaping and planting are proposed to mitigate this impact. Therefore it is considered that the proposals would have a localised impact but would be seen in an existing agricultural context that already exists and therefore whilst there is a localised visual impact, the proposals are considered not to be significant.
- 5.10 The proposals are considered to be acceptable and would cause limited harm in terms of the impact on terms of landscape that would need to be considered in the planning balance.

Relationship to Neighbouring and Nearby Residents - Noise and Odour

- 5.11 It is noted that the nearest residential property (Three Acres) is approximately 150m north from the poultry building with properties on the opposite side of the railway (1-2 Newton Sidings) being approximately 220m north east from the proposed building. Brickyard Cottages lie approximately 375m south from the proposed agricultural building.
- 5.12 Considering odour, control of waste and operations including management and maintenance regimes that can be secured by planning condition can ensure that the proposals are adequately controlled and managed. Environmental Health Officers comment that suitable plans will include the detailed controls to be put in place to manage waste products and prevent odour and flies associated with the development being detected outside the boundary of the premises. It should be noted that at some times odour will be generated e.g. emptying of waste stores, and details will need to include the steps to be implemented to reduce the odour at sensitive receptors.
- 5.13 In terms of noise emissions from the site, this is generally limited to the operation of the ventilation fans. The ventilation system operated on the poultry unit will be acoustically attenuated to achieve a rating of negligible impact on a BS4142 2014 assessment at the closest sensitive receptor. The presence of the railway and location are noted and the application details indicate that the poultry shed includes two mechanical conveyor systems, for feed and egg collection. Environmental Health Officers advise that the noise produced by these systems is likely to be able to be contained within the site. However there are no details included regarding mechanical ventilation of sheds or forced air drying of waste. These systems have the potential to produce noise levels which may affect neighbouring premises and it would be prudent to confirm that any such systems could be operated without loss of

amenity to neighbouring premises prior to their installation and have advised suitable planning conditions to deal with this matter.

- 5.14 Considering the proposed building will be separated by a significant distance from residential properties. Environmental Health officers raise no objections to the proposals subject to appropriate conditions. In accordance with national advice the use of conditions should be used wherever practicable to address and mitigate development. On this basis appropriate planning conditions can secure appropriate mitigation and management of the site to ensure that there would be no significant impact on the amenity of nearby residents and the proposed development would not be considered to be significant when considered in the context of Environmental Health Officers' advice.

Proposed Dwelling

- 5.15 The supporting justification to the proposals highlight that the labour for the proposed free range egg production unit will be provided by the applicants, Mr and Mrs B L Knowlson, together with an additional part time worker. The applicant proposes the siting of a temporary agricultural workers dwelling on the holding as the managers house for the free range egg production enterprise. The temporary dwelling will be occupied by Mr and Mrs B L Knowlson.
- 5.16 The proposed business at Railway Field has an estimated establishment cost of £250,000 in groundworks, buildings, equipment and services. Total fixed costs for the proposed business are estimated to be £65,100.00, which leaves a projected profit of £56,120.00 to cover capital repayments, providing a 5 year payback on capital invested.
- 5.17 The proposed temporary dwelling will enable the manager to permanently reside on the site to provide for the ongoing supervision and welfare of the birds, and to provide corrective action in the event of a livestock emergency, such as a smothering event or equipment failure.
- 5.18 The proposed dwelling has been sited to the north west of the free range egg unit. The choice of location is to enable a livestock worker to reside within sight and sound of the free range egg unit and would be closest to the proposed access point also allowing control and awareness of access to the site.
- 5.19 The submitted justification provides a sound assessment of the financial costs, planning policy and assessment of planning policy and appeal decisions. On the basis of the information provided by the applicants, it is considered that the proposal fully accords with the provision of paragraph 55 of the National Planning Policy Framework, i.e. there is an existing essential need for a full time worker to reside on the site to provide for supervision of the poultry unit, including constant and adequate supervision of the poultry enterprise and related systems and to carry out essential emergency repairs at short notice both within and outside normal working hours.
- 5.20 The design and size of the proposed residence is modest (being single storey and 69sqm in total) and the modular design would be akin to a static caravan. Therefore subject to appropriate controls the proposed temporary dwelling is considered acceptable and in accordance with national and local planning policy.

Highways Impact and Relationship to the Railway

- 5.21 Access to the proposed development is to be means of the existing site entrance.
- 5.22 It is noted that North Yorkshire County Council highways officers raise no objection. There is suitable turning and manoeuvring area within the site and the proposals

would not cause a danger to highway safety. Local residents raise the issue of management of feral chickens on the highway however with suitable fencing (chicken wire) and management the proposals would not cause a danger to highway safety. It is also noted that Network Rail offer no observations with regard to the safety of the railways.

- 5.23 The proposals are therefore considered to satisfactorily address issues of highway safety.

Drainage and Groundwater Pollution

- 5.24 The application site is located within Flood Zone 1 and therefore is in a location that would be least at risk from flooding. The application is supported by a Flood Risk Assessment to demonstrate that surface water drainage does not generate localised flooding, under the requirements of the new regulations that came into effect on 6th April 2015.

- 5.25 Having regard to the proposals and the supporting information, the proposals would not cause a risk to flooding or groundwater pollution.

Other matters

- 5.26 Having regard to other matters raised by local residents, these have been carefully considered however do not outweigh or alter the consideration of the principal issues highlighted above. Matters such as property value are not a material planning consideration.

Planning Balance

- 5.27 Having considered the policies of the Development Plan, national guidance and all comments, consultation responses regard to the proposals and the submitted information, the proposals would assist and deliver positive economic sustainability with regard to the agricultural business. There would be at worst a neutral impact on highways and biodiversity and there would be limited impact on the amenities of neighbours in terms of noise and disturbance which would be controlled by the appropriate planning conditions and there would be a limited impact on the local landscape which would be capable of being mitigated by appropriate planting. Having considered all the impacts it is considered that the positive elements would outweigh the negative elements of the proposals and are acceptable subject to appropriate conditions.

6.0 RECOMMENDATION:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered IP/BLK/01, IP/BLK/02, IP/BLK/03, IP/BLK/04 received by Hambleton District Council on 30 November 2015 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

4. Prior to commencement of the development an waste, odour and fly management plan shall be submitted to the local planning authority for written approval. Thereafter the approved scheme shall be implemented and maintained.

5. Prior to the commencement of development details of any fixed external plant or equipment and acoustic management shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

6. There shall be no deliveries or collection of materials or products by HGV outside the hours of 8am and 8pm.

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

8. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular access b. vehicular parking c. vehicular turning arrangements d. manoeuvring arrangements e. loading and unloading arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

11. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

12. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and those existing hedgerows and trees that are to be retained, 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.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP26, DP32, and DP33.

3. To safeguard the visual amenities of the area in accordance with Hambleton Local Plan Policy DP30 and DP32

4. In order to ensure effective control over potential odours and flies and in accordance with Policies DP1, DP25 and DP26

5. In order to ensure effective control over potential noise disturbance and residential amenity and in accordance with Policies DP1, DP25, DP26 and DP44

6. In order to ensure effective control over potential noise disturbance and residential amenity and in accordance with Policies DP1, DP25, DP26 and DP44

7. In accordance with Policy DP3 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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

9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

amplified by Paragraph 55 of the NPPF and the Council's Adopted Interim Planning Guidance Note (April 2015).

12. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP17 and DP32.

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15/02717/OUT

Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping

**at Land to the rear of The Cottages, Street Lane, Pickhill
for Mr Anthony Smith-Ketteringham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of Pickhill at the north western end of the village and covers an area of 0.11 hectares. The site forms part of a domestic piece of land, used in association with the dwelling at 1 the Cottages. A building (large Nissen hut) that lies within the boundary is currently used for domestic storage. The site was previously used as a base for a haulage company until approximately 2000.
- 1.2 There is a row of conifer trees along the northern boundary of the application site abutting the agricultural land beyond. A mature leylandii hedge lies along the full length of the eastern boundary, which it is proposed to retain. Several trees lie on the boundary between the gardens of The Cottages and the application site. It is proposed to replace the conifer trees on the northern boundary with trees of a native species.
- 1.3 Across the road to the north lie 2no. two storey detached dwellings and a terrace of 3no. two storey dwellings. To the west lies the remainder of the field; to the east lies the building and parking area associated with Pickhill Engineering and the access road that follows the boundary of the application site and which serves the building within the southern part of the application site. This building currently accommodates several small businesses, including vehicle repairs and furniture making. The application site is bounded to the east and south with post and wire fencing.
- 1.4 The application is for outline permission with some matters reserved for the construction of 3 dwellings. Access and layout have been included for approval at this stage. The layout proposes a terrace of three, two storey properties fronting the rear elevation of The Cottages, facing southwards. A building containing two single garages is proposed at the front of the dwellings at the western side of the site.
- 1.5 Access to the site is adjacent to number 1 The Cottages. A shared drive is proposed at the front of the proposed dwellings to provide access to a block of two single garages and an integral garage in the centre of the terrace. Turning provision is proposed within the site. A bin store is proposed for the three dwellings on the eastern boundary of the site.
- 1.6 It is proposed to provide the middle dwelling as an affordable unit.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/90/118/0095 - Outline application for the construction of 3 dwellings. Permission refused 19/10/1990 for the following reason:

The proposal represents a form of backland development which would be objectionable by reason of loss of privacy, and general disturbance to nearby residential properties.

- 2.2 2/91/118/0095A - Outline application for the construction of 2 dwellings. Permission refused 20/9/1991 for the following reason:

In the opinion of the Local Planning Authority the proposed development would be contrary to Policy H6 of the Draft Vale of Mowbray Local Plan in that the proposed residential development would be detrimental to the amenities of the residents of adjoining properties through loss of privacy. The application site is also prominent when travelling west and development to the depth proposed would be detrimental to the character and appearance of the streetscene which is traditionally frontage development in the locality.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies 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 - wish to see the application rejected because of access, parking, potential flood risk and intrusion on nearby properties overlooking gardens etc. Perhaps bungalows would be a better option.
- 4.2 NYCC Highways - conditions recommended
- 4.3 Yorkshire Water - based on the information submitted (foul water only to public foul sewer in Street Lane as stated/surface water to Suds and soakaway as stated), no comments are required from Yorkshire Water.
- 4.4 Ministry of Defence - no reply received.
- 4.5 Environmental Health Officer - no objection in principle to the proposals. However I have some concern about the potential disturbance caused by the use of a carport/bike store between the two residential properties and would recommend consideration be given to locating this vehicle store elsewhere.

Also there is an indication that renewable energy sources will be provided to the properties. In some circumstances these methods can give rise to amenity issues and should outline permission be granted I would welcome detail of these energy sources prior to consideration of a full application.

4.6 Site notice/advert/local residents - objections have been received from five local residents whose comments are summarised as follows:

- The land to the rear of the proposed new dwellings is prone to flooding and during the recent floods (w/c 7th December 2015) flood water from Pickhill beck came to within 4 metres of the applicant's rear boundary. My concern would be that if the recently built check bank further up the river Swale at Gatenby were to be breached in future (it held recently) then any flooding could be a serious threat to the proposed dwellings. I do have photographic evidence of the recent floods
- It is clearly outside the existing building line and would significantly change the character of the area and the outlook of the existing dwellings. Currently, all properties are in a traditional roadside position with only gardens to the rear and views to the open countryside
- These proposed properties would overlook the rear of our property and significantly impact on our privacy and outlook.
- Other planning applications on this site have been refused in the past for these same reasons
- The proposed three houses would all have a good view of my rear garden and rear windows. This would have a severe impact on our personal privacy. I find this completely unacceptable. Especially as you have only three months ago granted permission for five houses to be built directly in front of my property. The rear garden is our only private area now.
- The recent flood water in the back field came very close to this proposed housing. Building there would reduce the floodplain further and it would only be a matter of time before the proposed houses were indeed flooded
- Part of the land at the rear of my garden was subject to a land dispute a few years ago with the previous owners of Pennington
- if there is only a single car park per house where are the other cars going to park? 90% of houses in Pickhill own 2 cars +.... will this mean cars park all up the street?
- Access for vehicles... this is quite a narrow gate entrance and isn't wide enough for 2 cars to pass through, so if one cars trying to go in and the other car trying to come out will this mean dangerous reversing on to the main road?

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits; an assessment of the likely impact of the proposed dwellings on the character and appearance of the village; neighbour amenity; highway safety; flood risk; and affordable housing.

Principle

5.2 The site falls outside of Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Character and appearance

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character although adjacent to the open countryside, which lies beyond. The following detailed advice within the IPG is considered to be relevant:

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

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

The proposed dwellings would be on land that is currently used for domestic purposes that lies adjacent to residential uses on three sides. The application site protrudes beyond the end of adjacent gardens but does not extend beyond the boundary of the existing domestic use. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the character of the countryside.

- 5.8 The scale of the development would be small as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates a scheme of three dwellings, in a terrace, similar to the terrace of dwellings that fronts onto Street Lane. It is considered that this scale of development would be appropriate to the village. This part of Pickhill is characterised by linear, frontage development although there are several existing examples of backland development within the village including some in close proximity of the application site (to the south at Town Farm and to the east at Melltowns Green).
- 5.9 Previous planning applications were refused permission in 1990 and 1991 for the construction of dwellings on this site due to the impact of backland development on the character and appearance of the village and to the amenity of neighbouring residents. It has been established above that the site is already in domestic use and is part of the village in terms of character. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Pickhill already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is within the existing built form, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.
- 5.10 It is important to consider the cumulative impact of additional residential development in Pickhill. Following the adoption of the Interim Policy Guidance in April 2015 outline permission has been granted for 5 dwellings on the southern side of Street Lane (15/01118/OUT) and outline permission has been granted for 8 dwellings on the site of Chapel Farm to the south (15/00905/OUT). Approval of this outline application would result in a total of 16 new dwellings. The existing number of dwellings in Pickhill is approximately 136 and therefore the construction of an additional 16 dwellings would result in an 11% increase. This is not considered inappropriate or unsustainable for a village such as Pickhill with facilities such as a school, pub and church. In this instance all of the sites have been within the general confines of the village and would not therefore detract from its built form or extend into the adjacent rural landscape. The overall character and form of the village will be retained.

Neighbour amenity

- 5.11 There is concern from the existing adjacent residents that the position of the dwellings would result in overlooking, particularly due to the position of first floor windows. The layout shows the front elevation of the new dwellings to be a distance of approximately 28m from the rear elevations of The Cottages; 14m from the closest point with the bungalow at Ponder and 24m from the closest point of the neighbouring dwelling at Pennington. It is suggested that, with the presence of the trees there is an adequate distance between the existing and proposed dwellings. It is considered that there would be no loss of amenity as a result of overlooking or overshadowing. The proposed dwellings would potentially be able to overlook the

rear gardens of Ponder and Pennington but there is already potential for these gardens to be overlooked by existing neighbours. It is considered that the layout protects residential amenity. It is recommended that a condition be imposed to illustrate the differential in height between the properties to ensure the proposed dwellings would not be built at a significantly higher level so that there would be no overbearing impact or increased sense of enclosure for existing residents as a result of the proposed development.

Highway safety

- 5.12 The Highway Authority has no objections regarding the proposed development and the use of the existing access from Street Lane. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

Flood risk

- 5.13 There is some concern from local residents regarding potential flood risk at the site. There is no evidence that the site has flooded and it appears to refer to the agricultural land to the rear. The application site does not lie within an area of flood risk.

Affordable housing

- 5.14 LDF Policy CP9 requires development of two or more properties to provide affordable housing on site at a proportion of 40%. It is proposed to provide the middle of the three dwellings as an affordable house. This would require a financial contribution to make up the shortfall of 0.2 units.

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: (a) the design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale (including the number) of buildings overall.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. All 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. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The Affordable Housing Scheme shall include:

- a the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council
 - b the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the 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.
9. 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.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var.; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Street Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference W2345(PL)04 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.
13. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the garages hereby approved shall be kept available for their intended purposes at all times.
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in writing to their withdrawal.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered W2345(PL)04 and 05A received by Hambleton District Council on 1 December 2015 and 12 February 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
12. 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.
13. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
14. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. 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.

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

Parish: Stillington

Ward: Stillington

9

Committee Date: 3 March 2016

Officer dealing: Mr A Cunningham

Target Date: 29 January 2016

15/02740/FUL and 15/02741/LBC

**Renovations and single storey rear extension to dwellinghouse
at Fairview, High Street, Stillington
for Mr Steve Tyssen**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is a re-submission of the previously approved schemes (14/01799/FUL and 14/01800/LBC) due to works not commencing on time and the permission expiring. There are no variations to the detail but details of the roof structure, materials and glazing that were required to be provided by condition are included with this proposal.
- 1.2 The dwelling is Grade II Listed and is located within the Stillington Conservation Area. It is an end of terrace two-storey cottage that lies on the southern side of the High Street towards the western end of the village, within the Stillington Conservation Area. The cottage is set above the street level with only pedestrian access at the front. Vehicular access is via the shared back lane to the southern boundary of the property.
- 1.3 The proposed single storey extension would be positioned to the southern (rear) elevation. It would provide accommodation for a lounge.
- 1.4 The lounge structure would measure approximately 4.4m x 4m, with a total height of approximately 4.2m. An external chimney would project out from the western elevation of the proposed extension and would extend to a total height of approximately 5.1m.
- 1.5 Materials for the proposed extension would comprise reclaimed clamp bricks and natural clay pantiles.
- 1.6 It is also proposed to renovate the cottage in order to make it habitable. The proposed alterations are listed as follows:
- Insertion of ground floor window to gable
 - Remove part of rear wall to allow access into proposed extension
 - Reposition the front door to an existing window opening on the front elevation
 - Brick up existing front door opening
 - Alter window openings on the rear elevation
 - Replacement windows to front elevation
 - Works to roof
 - Add two roof lights to the rear elevation
 - Remove and replace frost damaged bricks including parts of the front wall and side gable in poor repair
 - Repoint using lime mortar
 - Re-arrange the first floor accommodation to provide three bedrooms and a bathroom
 - Remove existing staircase and construct new staircase in a different position
- 1.7 Amended plans received on 21 December 2015 detail the extent of the proposed water tabling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/83/141/0110 - alterations to dwellinghouse to include the provision of bow windows; Granted 24 February 1983.
- 2.2 2/87/141/0110A - alterations and extensions to dwellinghouse and 2/87/141/0110B - application for listed building consent for alterations and extensions to dwellinghouse; both Refused 2 June 1987.
- 2.3 2/88/141/0110C - alterations and extension to dwellinghouse and 2/88/141/0110D - application for listed building consent for alterations and extension to dwellinghouse; both Refused 1 August 1988; Appeals Dismissed 18 April 1989.
- 2.4 12/00496/FUL - Alterations and extension to dwelling and 12/00497/LBC - Application for Listed Building Consent for alterations and extension to dwelling; both Withdrawn 6 June 2012.
- 2.5 14/01799/FUL - Renovations and single storey rear extension to dwellinghouse and 14/01800/LBC - Application for Listed Building Consent for renovations and single storey rear extension to dwellinghouse; both Granted 21 November 2014.
- 2.6 15/00312/CAT3 - Possible Section 215 notice – awaiting determination of the applications considered in this report.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Stillington Parish Council - no objection to this application provided it is acceptable to the Conservation Officer.
- 4.2 Society for the Protection of Ancient Buildings (SPAB) – object to the scheme in summary regarding impact on the building's special interest, retention of the historic floor plan, reduction of the proposed accommodation, retention of the existing staircase, repair and retention of historic fabric, use of Council's statutory powers.
- 4.3 Historic England - set out the history of the site and its features of historic interest and its contribution towards the character of the Conservation Area. Specifically comment on the loss of the staircase (which is the trigger for consultation). Comment on future involvement of HE with these applications.
- 4.4 Neighbours notified and site notice posted; expired 26.01.2016 – One objection response received in summary mainly concerning:

- Condition of building
- Action taken to improve condition of building
- Previous report to planning committee
- Works overbearing and not in keeping with the property
- Right of way around house
- Right to light
- Impact on privacy
- Overlooking impact
- Views of Parish Council
- Council conduct

4.5 Conservation Officer – comment on evolution of this and past applications, responds to the comments of SPAB and HE, particularly the loss of the staircase and fireplace, the proposed internal arrangement, and the remedial works the applicant has undertaken.

5.0 OBSERVATIONS

5.1 The main issues to be considered in respect of planning application 15/02740/FUL are the effect of the alterations and extension on (i) the character and appearance of the existing dwelling; (ii) the surrounding Conservation Area; and (iii) the amenity of the adjacent residents. For the listed building application 15/02741/LBC, the sole issue is the effect of the alterations and extension on the character and appearance of the existing listed building.

Application 15/02740/FUL

5.2 The dwelling is in need of repair and restoration and it is believed to be more than 30 years since it was inhabited. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and in this context, the Stillington Conservation Area and the adjacent Fairview Cottage, also listed grade II, are heritage assets. Whilst the deterioration of the building over the years has been an issue of concern, it has not had a significant impact on the area until recently and the temporary roof covering is not acceptable in the long term. The owner of the building has been warned that the Council may take action through serving Notice under Section 215 of the Town and Country Planning Act 1990, which would require him to re-roof the building. It is understood that the applicant mis-understood the time given for the commencement of the previous permissions of 14/01799/FUL and 14/01800/LBC.

5.3 In view of the previous approval of this development and considering the importance of early implementation it would be appropriate to consider a one year commencement period if permission is granted. Additionally if the applicant fails to make an early start to implement works that will in turn address the harm caused to the amenity of the area due to the poor condition of the building the Local Authority would be able to issue a S215 notice. It is therefore relevant to consider the case for improving the building's condition and the appearance of the Conservation Area through implementation of this scheme. This is also set out as a statutory requirement in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of the Conservation Area.

5.4 The proposed scheme includes a single storey extension and is of a scale and form appropriate to the original building and the surrounding area. The proposed use of glazing to much of the rear gable of the extension would be a contemporary feature within an otherwise traditionally designed extension but would not be inappropriate set within the brickwork to either side. The external chimney stack allows more

internal space to be provided and would not be an inappropriate feature of the dwelling as it would be positioned entirely upon the new build section and would have no significant impact on the surrounding character of the Conservation Area.

- 5.5 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable features within the Conservation Area. The Heritage Statement suggests that the small first floor window is a later addition to the cottage and it is considered acceptable to enlarge this opening in a manner compatible with the character of the cottage.
- 5.6 The attached dwelling at Fairview Cottage has previously been altered at the rear and an L-shaped projection lies at right angles to the main house providing a living room and a kitchen. The living room to Fairview Cottage is within a link between the original front part of the dwelling and the kitchen at the rear, with the window serving the living room facing westwards towards the side elevation of the proposed extension, at a distance of approximately 7m. There is a 1.7m high timber fence on the boundary between the two properties at the rear but notwithstanding the height and presence of the fence the extension would affect the outlook from the living room. This would obstruct part of the sky when viewed from the window of the living room and consideration must therefore be given to the impact on the amenity of the occupants and whether this would be contrary to Policy DP1, which requires development to adequately protect amenity with regard to daylight. Beyond Fairview is a substantial two storey dwelling that provides a backdrop to the proposed extension and would block low angled sunlight whilst light and outlook into this the living room window is already affected to some degree by the design of the extension of Fairview Cottage as the kitchen element protrudes further thereby stepping back the living room behind its side wall. The floor level of the living room in Fairview Cottage is at a lower level than the floor level of the proposed extension but the reduction in height of the extension ensures that daylight and skyline into this room would be retained and would not significantly detract from the amenity of the residents. A proposed new window on the rear elevation was previously reduced in size and, as a result, positions it further from the boundary.
- 5.7 A window is proposed in the side elevation of the proposed extension, which would directly face the neighbour's living room window. However, a typical rear garden fence, such as that already in situ, would allow adequate privacy to be maintained.
- 5.8 The proposed internal alterations would create three bedrooms within the existing floor space currently occupied by 2 bedrooms and a small store. This change does not require any substantial alterations to the dwelling and therefore the provision of either three smaller bedrooms or two larger bedrooms is not a matter that is relevant to the planning merits of the application other than through the scope for overlooking from the altered first floor rear window.
- 5.9 It has been suggested that an alternative position for an extension along the building line of the dwelling, that is, to the side elevation, would be preferable. This is an option that has previously been discussed informally but, it is suggested, would not result in useable space within the dwelling and would be wrongly proportioned in relation to the existing dwelling as the available space is not wide enough. Infilling the space would also remove the pedestrian access to the rear of the dwelling and its neighbour. It is also considered that a narrow side extension in this position would have an unbalanced appearance to the street scene, resulting in an unsympathetic alteration to the listed building.
- 5.10 The private right of way at the rear of Fairview enjoyed by the residents of Fairview Cottage is a not a planning matter. Should planning permission be granted, it would not affect any private rights and this would remain a civil matter to be addressed by

the relevant parties. The effect of the development on the water supply would also need to be addressed separately through building regulations.

- 5.11 The proposed development, as amended, would maintain the predominantly residential character and appearance of the Stillington Conservation Area and would not have an unacceptable impact on residential amenity. It would not harm the setting of the adjacent listed building, Fairview Cottage. Approval of the application is therefore recommended.

Application 15/02741/LBC

- 5.12 As noted earlier, the dwelling is in need of repair and restoration. Paragraph 130 of the NPPF states "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision." Whilst the building could have been better cared for, the owner has responded to reasonable requests made by the Council and the North Yorkshire Building Control Partnership. It is important that appropriate work is undertaken to repair and restore this property so that it does not deteriorate further. The NPPF in paragraph 131 requires Local Planning Authorities to take account of desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is therefore desirable to facilitate the re-occupation of the property in its original use as a dwelling.
- 5.13 This must be weighed against the effect of the alterations on the historic fabric of the building. The loss of any original features is an important consideration. The NPPF states that the significance of a listed building can be lost through alteration. The greatest alteration to the front of the dwelling is the repositioning of the front door. By using the existing opening it ensures that the balance of the elevation is retained and by bricking up the existing opening in a recess it allows the history of the property to remain apparent. It is considered that this would be an acceptable change that would not detract from the integrity of the building.
- 5.14 The greatest change to the form of the building would be the construction of the rear extension. The proposed scheme is single storey and is of a scale and form appropriate to the original building. The proposed use of glazing to much of the rear gable of the extension would introduce a contemporary feature within a traditionally designed extension but its impact on the building is limited, such that overall, the significance of heritage asset would be sustained. The external chimney stack would not be inappropriate as part of the extension, being subservient in scale to the main dwelling and therefore of limited impact.
- 5.15 The proposed window alterations to the rear respect the scale and design of the existing building and would be acceptable.
- 5.16 The comments of SPAB (given because the building has origins pre 1720) and HE are noted. The extent of proposed accommodation relates mainly to the provision of a first floor bathroom. In order to achieve this, the position of the stairs must be moved. Whilst of some significance for being of some age, it is not original to the building and is in very poor condition. The staircase masks a window in the gable which now adjoins with Fairview Cottage supporting the assumption that the staircase is a later addition. This staircase is limiting the use of available space on the first floor and its removal and relocation has been discussed at length. The staircase has been fully recorded to the council's satisfaction and the repositioning will not result in the loss of any other features of significance. An angled mark in the west wall of the kitchen may provide evidence of the original stair location, which is where the new stair is proposed. The removal of the corner fireplace is considered

acceptable. This is clearly a later 19th century addition and has little significance.

6.0 RECOMMENDATION

Application 15/02740/FUL

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

1. The development hereby permitted shall be begun within one year 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, including the lime mortar 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. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 5120/SK01, T189/2, T189/3A, T189/10C and T189/11D received by Hambleton District Council on 4 December 2015 and 21 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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure the appearance of the windows is appropriate to the character and appearance of the surroundings in accordance with LDF Policies CP16 and DP28.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP1, DP28 and DP32.

Application 15/02741/LBC

6.2 That subject to any outstanding consultations listed building consent is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the lime

mortar, 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. Detailed drawings of the windows to include size of glazing bars, mouldings and sections and details of glazing shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details and thereafter retained.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 5120/SK01, T189/2, T189/3A, T189/10C and T189/11D received by Hambleton District Council on 4 December 2015 and 21 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the grade II listed building of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure the appearance of the windows is appropriate to the character and appearance of the grade II listed building in accordance with LDF Policies CP16 and DP28.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of the grade II listed building and in accordance with the Development Plan Policies CP16, CP17, DP28 and DP32.

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Parish: Stokesley
Ward: Stokesley
10

Committee Date : 3 March 2016
Officer dealing : Mrs B Robinson
Target Date: 4 March 2016

16/00042/FUL

**Demolition of store building and construction of two storey dwellinghouse.
at 21 College Square Stokesley North Yorkshire TS9 5DL
for Mrs A Watts.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a plot of land at the rear of 21 College Square and includes a small stone building and a small lean-to of corrugated sheeting. The overall plot size is 22m x 10m (average). The site is separated by a fence from the small garden immediately to the rear of no 21 College Square. It is at present grassed, and appears to have previously been used as a vegetable garden.

1.2 To the north of the site nos 18 and 19 Northfield Drive are small bungalows, bounded by 2m high close boarded fencing. The main rear wall of the bungalows is approximately 10m from the site boundary. There is a drive which serves another property in between.

1.3 To the west, the rear wall of no 13 College Square abuts the site boundary. The facing wall has one small and one larger window at ground floor, and one small window at the first floor. The large window appears to serve a habitable room. The smaller windows are typical of bathrooms.

1.4 The access to the site is via a paved footpath between College Square and Northfield Drive, and the site does not have a road frontage or vehicular access. The site lies approximately midway along the 58m long path.

1.5 The stone building, but not the remainder of the site, is within Stokesley Conservation Area.

1.6 The proposal is a detached two storey dwelling with lower wing on the south side, where the first floor accommodation is contained in the roof space. The proposed house is sited with the south wing in the position of the existing building. The proposed materials reuse existing stone on the lower wing, with facing brick elsewhere and clay pantiles to the roof, and painted timber window frames.

1.7 The application is accompanied by a design and access statement which includes a section setting out the intention to manage the building process with a scheme to ensure that the build will be serviced from College Square and not from Northfield Close. It is intended that deliveries will be made at times of day that will minimise disruption to the public and users of the footpath. It confirms that parking is open to all on College Square.

2.0 RELEVANT PLANNING HISTORY

2.1 09/02603/FUL Alterations and extension to existing domestic store to form a dwelling.
Withdrawn. 26.10.2009

2.2 11/01997/FUL Proposed extension to existing dwelling. Refused 8.11.2011

3.0 NATIONAL AND LOCAL POLICY:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - This council objects to the above application due to the following:

1. The store building which is proposed to be demolished is in a conservation area and should therefore be preserved.
2. The site is unsuitable as it has no vehicular/road access
3. This is an overdevelopment of a restricted access garden site, part of which is in a conservation area. Access to the site is via a footpath regularly used by many residents, particularly school children and the elderly who live in the adjacent bungalows in Northfield drive.

4.2 Neighbours and site notice - observations received.

Objections (summarised):

1. Safety during construction
2. Traffic congestion and lack of car parking on site
3. College Square parking full
4. Dominance over adjacent properties. Insufficient distance to neighbouring properties. 'Town cramming'
5. Stokesley is to be provided with larger scale housing development and this is not required.
6. Adjacent to flood risk area.
7. Loss of light
8. Overlooking
9. Previous unsuccessful application
10. Occupiers likely to park in Northfield Drive, to the detriment of residents there.

4.3 NYCC Highways - due 10.02.2016

4.4 Northumbrian Water - No comments.

5.0 OBSERVATIONS

5.1 The site is within the development limits of the market town with a wide range of facilities and is acceptable in principle. The issues to be considered in this application are considered to be:

Is the proposed design of a suitably high standard (CP17 and DP32), will the development preserve and enhance the character and appearance of the Conservation Area (CP16 and DP28) and will the proposed development have any detrimental impact on the amenity of neighbouring occupiers (CP1 and DP1) or Highway and access issues (CP2 and DP4) ?

5.2 In terms of design, the proposed house is modest in size. The form is further minimised by the lower wing to side and rear. The materials proposed are traditional, including the use of timber windows and clay pantiles, and the reuse of existing stone. Subject to control over materials which can be ensured by condition, the house will be of an acceptable design between the two storey terraced houses around and off College Square, and the modern bungalows on Northfield Drive.

5.3 The house uses existing natural materials and its modest design is appropriate in the Conservation Area setting. The scheme removes the existing building, and while this is a pleasing feature, it is below the size that would need conservation area consent to remove.

Particularly taking into account the benefits of reusing the existing materials, the replacement of the building with a small house which is itself appropriate to the Conservation Area, the historic character of the Conservation Area will be sufficiently maintained.

5.4 With regard to amenity of neighbouring occupiers, the side elevation of the house is 12.4 metres from the facing elevation of no 18 Northfield Drive. An upper floor window in the elevation of the new house serves a bathroom and would not result in loss of privacy to number 18 Northfield. No 18 Northfield has restricted outlook by virtue of a short rear garden and close boarded fencing and the upper part of the side gable of the house would be visible above the fence. The effect of the new house on outlook from no 18 would be similar to the effect of 13 College Square on 20 Northfield Drive. Given the existing building relationships in the vicinity of the application site it is considered that there will not be an unacceptable effect on residential amenity.

5.5 There is 10.7m between the facing elevations of 13 College Square and the proposed house. The windows of 13 College Square have evidently always faced directly into the site and been vulnerable to loss of privacy.

5.6 The use of the affected ground floor room is uncertain but is presumed to be a habitable room. It is apparent that the proposed house will be relatively conspicuous in the outlook from 13 College Square, although it can also be noted that the direct outlook from the relevant ground floor window is past the side of the house and the overall effect on the amenity of 13 College Square will not be so great as to justify refusal.

5.7 The access to the house is via a paved footpath from College Square, and the proposed house does not have an off-road parking space. Parking is permitted in this part of College Square, and there would be a walk of approximately 25 metres from College Square to access the house. The proposed house is close to the town centre where many facilities are accessible on foot and the lack of dedicated parking facilities would not compromise the amenities of residents of the new house. The surroundings include terraced houses which also do not have off road parking.

5.8 There is a precedent for pedestrian only access at West End Stokesley, where no 30 is accessed off Silver Street which is a pedestrian way. At an appeal for a further dwelling at 30 West End, the Inspector took the view that due to the proximity to town centre facilities, the lack of off street parking in such a sustainable location was not unacceptable and while nearby streets might be congested at certain times of the day, the circumstances of the proposed house would not be different from those of terraced houses nearby without parking facilities. The Inspector considered that any disruption during construction would be limited and be for a temporary period of time.

5.9 The applicants have submitted their intention to arrange a scheme to minimise disruption during the construction period. Such a scheme is not unprecedented and provided the scheme ensures minimal disruption to users of the path and College Square, this arrangement may be acceptable in principle.

5.10 Neighbouring occupiers have expressed concerns that the development may lead to parking on Northfield Drive. The use of Northfield Drive during the construction period can be precluded by the development scheme. Thereafter vehicular access to the new house is more likely to be from College Square, which is more direct than the route to Northfield Drive (which requires a trip via Springfield and Tameside). Satellite navigation systems to 21 College Square will route via College Square, and depending on the address of the proposed dwelling therefore, it is likely that given a College Square address, this would also apply to the new dwelling.

5.11 The views of the Highway Authority are awaited. However, it appears that the principle of the development for a single house is acceptable, subject to a scheme to manage access

during the construction period.

5.12 With regard to the concerns of neighbours, parking and the issue of access are discussed above and subject to an appropriate scheme for the construction phase the development will not adversely affect the footpath access. Amenity concerns are considered above and whilst the proposed house would clearly have a visual impact, in these particular circumstances it is not considered so great as to justify refusal, overall.

5.13 Due to its location, siting, design and materials the proposed house is appropriate in this locality and will not have a harmful effect on the amenities of neighbouring occupiers, or the surroundings and is able to comply with the above policies.

Recommendation

It is recommended that the application be **granted**, subject to any outstanding consultation response(s).

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1617/1A; 1617/2B; received by Hambleton District Council on 6 January 2016 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development 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.
5. 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 above.
6. No dwelling shall be occupied until the boundary treatments shown on plan ref 1617/1A provided. 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.
7. Prior to the commencement of the development there shall be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority a detailed method statement relating to the programme of building works including arrangements for bringing all materials to the site, off-site and on-site storage of materials, plant and the parking of all vehicles and detailed requirements for parking for loading and unloading in relation to the development's construction. The approved details shall be adhered to for the full duration of the site clearance and construction works.

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. 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.
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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework 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.
7. To prevent building operations from obstructing the public highway to the detriment of the free flow of vehicular and pedestrian traffic.

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15/00014/TPO1

Hambleton District Council (Sutton Howgrave) Tree Preservation Order 2015 No 14

At: Land West Side Of The Willows, Sutton Howgrave

1.0 PROPOSAL & SITE DESCRIPTION

1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2015/14. Members deferred the application at last month's meeting to allow a site visit to be made.

1.2 The trees lie along a field boundary at the western side of the village. The trees lie within a hedgeline 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 POLICY

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

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**.

15/01667/FUL

**Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses
at Blackwell Ox, Huby Road, Sutton-on-the-Forest
for Howardian Developments**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site relates to the Blackwell Ox Public House, situated to the north-east of Sutton-on-the-Forest. The property is accessed directly from Huby Road. The Public House is a two storey, double fronted period property with rear extensions containing seven letting rooms. The property is finished in a mix of brick and render with slate and clay pantile roofing. It has a seating area to the rear and a surface car park to the west side of the building. Boundary treatments include a low brick wall, hedging and trees. The applicants state that the Public House has been closed since July 2014.
- 1.2 Permission is sought for the conversion of the public house into two dwellings, a new detached dwelling to the side on the corner with Grey Close and a further building to the rear of the public house fronting Grey Close.
- 1.3 The site is located in the Sutton-on-the-Forest Conservation Area and within the Defined Development Limits of the village. The site is located in Flood Zone 1, the lowest level of risk.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00355/FUL - alterations and extensions to form new restaurant, public bar and supporting facilities; granted 17 May 2004.
- 2.2 15/00182/FUL - Change of use of Public House to dwelling; Granted 30 April 2015

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing 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
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 - Delivering housing on "brownfield" land

Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

4.1 Highway Authority - No objection subject to conditions

4.2 Environmental Health Officer - No objections

4.3 Yorkshire Water - no comment

4.4 Sutton-on-the-Forest Parish Council objects to the proposal on the following grounds:

- The developer is trying to pack in as many houses as possible onto the site.
- Site is within a conservation area, the proposal needs to preserve or enhance the character or appearance of the conservation area.
- The proposed demolitions and packing of the site with new houses, garages and parking bays is not regarded as conserving or enhancing the appearance of the conservation area.
- The opportunity to continue the terrace style of the street westwards along the entire frontage has been lost
- The lost existing buildings are replaced by the incongruous structures at plot 3 and the plot 4 garage.
- The former open aspect across the pub car park experienced by the residents of Grey Close is replaced by the mass of the new house at plot 4.
- Notwithstanding the on-site parking provision, the further intensification of use would inevitably result in additional parking in Grey Close and on Huby Road which is at this point very narrow and close to the busy junction with York Road.
- A reduction in the number of proposed units and a design more sympathetic to the character of the area is required.

4.5 A site notice has been displayed and neighbours were notified. Six letters of objection have been received raising the following grounds:

- Overcrowding/overdevelopment
- Now no public houses in Sutton on the Forest which is a significant social and economic issue for the community.
- No need for additional dwellings
- Out of keeping with the aesthetics of Sutton on the Forest
- Would provide cheaper/smaller houses which would have a negative impact on surrounding property.
- Should be reduced to three dwellings
- Site is location on a rat run for vehicles leaving York and wanting to join the A19 while missing the outer ring road (A1237) which is also the main route for farm vehicles linking fields and storage during harvest and deliveries and is a school bus route.
- Poor access and insufficient space to manoeuvre vehicles to ensure they enter and leave Huby Road in a forward gear
- The estimated parking requirements cannot be accommodated on site

- Plot 1 has a parking area that is totally unsuitable - tracking is required to confirm that up to three vehicles can enter and leave the parking area in a forward gear
- Plot 3 only has windows facing north and west. The parking layout and minimal green space will cause conflict at the turning head of Grey Close.
- Noise pollution during development.
- Light blocked for surrounding houses
- The removal of the existing tall hedges and trees to create access to Plots 2 and 3 would result in the loss of the vital screening
- There is no indication of where refuse will be located
- The internal arrangements of some dwellings leaves no space for personal storage, coats or shoes
- The internal arrangement of some dwellings leave no space without ensuring doors are always closed in sequence

5.0 OBSERVATIONS

- 5.1 The application site is located within the Development Limits of Sutton-on-the-Forest with the principle of development accepted and supported in terms of the site being previously developed. The residential re-use of the site and conversion of the public house have also been established through planning permission in April 2015 which remains extant. The policy tests set out in Local Development Framework Policy DP5 relating to the retention of Community Facilities have already been determined to have been met and the fallback position of the 2015 permission is a matter of significant weight in the determination of this application.
- 5.2 The approved scheme related to the conversion of the existing public house into a single dwelling with the existing extensions to the public house being retained. The existing car park was to be retained for at least 4 car parking spaces. The public house is now converted into two dwellings with extensions demolished. A new dwelling would be built on the car park and a new dwelling to the rear, located on the Grey Close frontage. The application proposes four dwellings on the site at a density of 50 dwellings per hectare and incorporates a mix of small and larger dwellings. Whilst the proposed density would be higher than the surrounding area the proposals utilise the existing public house and provide a frontage to Grey Close. The increase in the amount of development on the site is considered to be appropriate, taking account also the demolition of aspects of the public house.
- 5.3 The comments of the Parish Council and neighbouring residents are noted and carefully considered. Plot 4 provides definition to the corner of the site with Grey Close. The proposed architecture of the new buildings on site would be in keeping with the surrounding area and of traditional architectural design of brick and pitched roof with the proposals providing an active frontage to the public frontages. The proposed layout and the scale of the development, including that of plot 4, as amended, is considered acceptable.
- 5.4 The proposed garage to plot 4 and plot 3 provide a frontage and enclosure to the development, and therefore whilst the gardens, in particular to plot 2 are modest in size, the proposals would present an appropriate level of amenity both to existing residents on Grey Close and to future residents of the development with the separation distances to properties on Grey Close sufficient not to cause issues in terms of loss of light, privacy or an overbearing form. The gardens would also provide space for refuse bin storage.
- 5.5 In terms of access and parking the proposals would provide appropriate parking provision on the site and the comments of the Highway Authority are noted, noting the remarks of a neighbour above, there is no requirement for all vehicles to be able

to turn within the site. Access within the site will be to Building Regulation Part M standards. The proposals are therefore acceptable in highways terms.

- 5.6 The proposals are located within Flood Zone 1, and the proposals would replace an impervious area which makes up the public house car park and beer garden with gardens. The proposals are therefore likely to increase the opportunity for soakaway and natural drainage.
- 5.7 Adopted policies would require the proposals would provide 1.5 units for affordable housing and would be subject to the provisions of the Community Infrastructure Levy (CIL). It is proposed that the scheme will include for the inclusion of 1 affordable property (Plot 2) and the remaining 0.5 dwelling provision will be made up by a commuted sum payment.
- 5.8 Overall having considered all relevant matters it is considered that the proposals are acceptable and is recommended for approval subject to the completion of a S106 Agreement to secure affordable housing.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2051/01, 2051/02, 2051/04A, 2051/05A, 2051/06, 2051/07, 2051/08A, and 2051/09.
 3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
 5. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority;
 - d. The crossing of the highway verge and/or 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;
 - f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15;
 - h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and

- i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details.
6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 15 metres measured along both channel lines of the major road Grey Close from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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 drawing (Reference 2051/04A Site Layout) and are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
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. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
11. Plot 2 as shown on the submitted plans (detailed in condition 2) shall be provided for affordable housing and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. Prior to the commencement of development, details shall be submitted in writing to the Local Planning Authority to include: (a) the proposed tenure arrangements of Plot 2; (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of the other open market plots 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP1.
3. To safeguard the visual amenities of the area in accordance with Development Management Policies DP1 and DP32
4. In accordance with Policy DP4 of Development Management Policies and in the interests of highway safety.
5. In accordance with Policy DP4 of Development Management Policies and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In accordance with Policy DP3 of Development Management Policies and in the interests of road safety
7. In accordance with policy DP4 of Development Management Policies and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. 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.
11. 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.

Parish: Thirsk

Ward: Thirsk

13

Committee Date: 3 March 2016

Officer dealing: Mrs S Leeming

Target Date: 9 December 2015

15/02259/FUL

**Demolition of existing office building, sub-station building and garage and construction of six semi-detached and one detached dwellings with vehicle parking and alterations to vehicular access together with modified verge crossing and associated works as amended by plans received 12 January 2016.
at The Bungalow, Masonic Lane, Thirsk
for Stevenson Properties**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application, as amended, seeks permission for the construction of seven dwellings to replace an office building located adjacent to The Bungalow.
- 1.2 The dwellings would comprise a detached house and a pair of semi-detached dwellings on the front of the site in place of the office building and to the front of The Bungalow. To the rear, on the raised garden area adjacent to The Bungalow, two pairs of semi-detached dwellings are proposed.
- 1.3 The dwellings to the frontage each have three bedrooms and would be constructed of brickwork with pantiles. The four dwellings to the rear are proposed with two bedrooms and are to have a render finish with pantiles. All are proposed with timber windows and chimneys.
- 1.4 The layout of the site has been designed to provide a small rear garden area to each dwelling and parking would be adjacent to the existing substation within a single car parking area on the frontage for each dwelling and four visitor spaces (a total of 12 spaces) with a brick wall approximately 1m high proposed to either side of the vehicular access. The proposal includes the felling of a large Ash tree to the rear of the site.
- 1.5 The existing dwelling, The Bungalow, and the two pairs of semi-detached dwellings proposed within its garden area at the rear of the site (plots 4-7) are all located within the area designated as a Scheduled Ancient Monument (Thirsk Castle site, the open area of Thirsk Castle lies to the south and south west). The whole of the site lies within the Thirsk and Sowerby Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/00532/CAT - Proposed lifting and thinning of Ash Tree; Approved 15 April 2002.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Thirsk Town Council - wishes to see the application refused because:

- Part of the site is actually on the site of the scheduled ancient monument known as Castle Garth and units 3, 4, 5, 6 and 7 should not be built here;
- Quite apart from this, this is a green area leading into Thirsk;
- The site will be very overcrowded;
- There is insufficient parking space provided; and
- The walls that are stated to be rendered would look better brick.

4.2 Highway Authority - The proposed site layout includes the provision of 12 parking spaces to serve the development. These spaces are shown with dimensions of 2.4m x 4.8m. Four of the spaces are adjacent to walls which will restrict the ability to open doors and these should be widened to make them useable. The Authority's views on the amended plans (which widened some of the spaces from 2.4 to 2.6m) are awaited.

4.3 NYCC Archaeology - a condition is recommended to ensure the implementation of a scheme of archaeological mitigation recording through the submission of a Written Scheme of Investigation.

4.4 Historic England - Thirsk Castle was built around 1092 but was surrendered to King Henry II in 1174 who then ordered its destruction in 1196. The site was then occupied by a manor house but this building was destroyed in 1322 during raids by the Scots. From 1376 the site was used as garden and by the end of that century was laid to grass. The visible remains only survive in two areas: a portion of the motte (the current application site) and a much larger area of the bailey to the west and south of the motte. On the application site archaeological evaluation and geophysical survey have indicated that the medieval deposits are buried beneath a thick and hard layer of imported clay. "The implication of this is that archaeological deposits do survive on the application site but will be below the level of construction activity." They conclude that "Although the impact of the proposed development on the archaeology of the castle can be considered 'harm', it can be argued that this harm is outweighed by the enhancement of the Conservation Area and streetscape of Thirsk, and the positive contribution that the development could make to local character and distinctiveness. The impact on archaeological deposits can be mitigated through archaeological recording, and this condition will also be included in our advice to the DCMS (*Department of Culture Media and Sport*) on the forthcoming Scheduled Monument Consent application."

4.5 Environmental Health Officer - no objections

4.6 Environmental Health Scientific Officer- "The applicant has submitted a statement indicating that land contamination is not an issue on this site. I have assessed the application and have concerns on the following matters:

1. Electricity sub-station building - given the age and condition of the building the presence of asbestos containing materials (ACMs) and poly chlorinated biphenyls (PCBs) cannot be discounted. I recommend a site investigation to assess the potential for these contaminants be carried out prior to demolition of the buildings.
2. Existing dwelling and offices - the presence of asbestos containing materials cannot be ruled out and therefore I recommend an asbestos survey be carried out to assess the potential for these materials prior to demolition of the buildings.

3. Soils for garden areas - the soils that are provided for the new garden areas will require contamination screening to demonstrate they are suitable for use. Verification of site-won materials or imported soils shall be carried out prior to re-use and/or importation."

A contamination condition is therefore recommended.

- 4.7 The application has been publicised through letters to neighbours, a site notice and a press advertisement. There has been no response.

5.0 OBSERVATIONS

- 5.1 The site lies within the development limits of Thirsk where in principle residential development will be permitted. Therefore the main issues for consideration in this case relate to the likely impact on heritage assets, specifically the Scheduled Ancient Monument and the Conservation Area and loss of a mature tree. Any impact upon highway safety and neighbour amenities must also be carefully considered.

Heritage assets

- 5.2 Part of the site is formally designated as a Scheduled Ancient Monument. In this case Policy DP29 must be taken into consideration. This states that:

“The preservation or enhancement of archaeological remains and their settings will be supported, taking account of the significance of the remains as follows:

- i in the case of Scheduled Monuments (shown on the Proposals Map) and other nationally important archaeological sites and their settings, by operating a presumption in favour of their preservation; and
- ii in the case of other remains of lesser significance, development affecting the site and its setting will only be permitted where the need for development and other material considerations outweigh the importance of the remains. Such remains should be preserved in situ. Where this is not justifiable or feasible, appropriate and satisfactory arrangements will be required for the excavation and recording of the archaeological remains and the publication of the results.

In areas of known or potential archaeological interest, an appropriate assessment and evaluation must be submitted to accompany any development proposals.

Where appropriate, provision should be made for interpretation and access of remains in situ, and for realising tourism and cultural benefits where public access is possible without detriment to the site.”

- 5.3 In addition to this further guidance is contained within the NPPF from paragraph 128 onwards. This details that the applicant should describe the significance of the heritage asset and the potential of the proposal upon its significance. At paragraph 131 it states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 132 to 134 state:

“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

5.4 In light of this policy guidance the agent was advised to make a full assessment of the contribution the application site makes to the setting of the Scheduled Monument and why its continued use as a garden area is no longer viable, to clarify how the proposed development would make a positive contribution to local character and the distinctiveness of the area and also, in terms of NPPF paragraph 134, to clarify what public benefit would be achieved by the development of Plots 4 - 7 that might outweigh any harm to the Scheduled Monument.

5.5 An amended Heritage Statement has been submitted to cover these points and this details that "The development will remove an area of inappropriate previous development that currently detracts significantly from both the Conservation Area and the setting of the Scheduled Monument. It will replace it with development that adopts the design, materials and densities successfully used in previous development to the north of Picks Lane". It states that this will:

"enhance the significance of the Scheduled Monument of Thirsk Castle by improving its setting" whilst acknowledging that "development within the boundary of the Scheduled Monument may have a minor impact on the archaeology of the castle, although any medieval deposits are protected by a thick layer of imported clay. Historic England have accepted that any harm will be successfully mitigated by appropriate archaeological recording and that it is outweighed by the improvements that the scheme will bring to Thirsk."

- 5.6 It is clear from this policy advice that the protection of the Scheduled Monument is paramount and of primary concern. It is noted that this part of the Scheduled Monument is only one of two areas of the Castle site with visible remains and that it has remained in its present grassed garden state since the late 1300s. It is also clear that any harm done to this as a result of the proposed development could only be overcome and seen as permissible if there was considerable public benefit as a result of the proposal. There are two public benefits that can be claimed, the first being the creation of additional dwellings in a sustainable location and the second, as stated by Historic England, if this development was considered to have a positive impact upon the character and appearance of the Conservation Area by the removal of the modern office building.
- 5.7 In this location it is considered that the existing office building fails to have a positive impact due to its appearance and the same is considered to apply to The Bungalow which is felt to be uncharacteristic of Masonic Lane due to its elevated position relative to the road. As identified by Historic England and as identified within the revised Heritage Statement, the removal of this unattractive office building would undoubtedly improve the appearance of the Conservation Area. The frontage dwellings proposed to replace it are considered to be of a high standard of traditional design which would appropriately respect the character of the Conservation Area. They would also help to screen The Bungalow which in itself is considered to detract from the appearance of the area, due largely to its raised position. As such it is agreed that the frontage dwellings to replace the office building would enhance the appearance of the Conservation Area.
- 5.8 These frontage dwellings are however outside of the Scheduled Monument site itself and as such it is highly important to make a full assessment of the likely impact of the proposed dwellings at the rear of the site on the setting of the Scheduled Monument as well as upon the Conservation Area. As noted earlier, paragraph 131 of the NPPF includes a requirement to consider “the desirability of sustaining and enhancing the significance of heritage assets”. This suggests that permission should only be granted here if the development of the dwellings to the rear would sustain or enhance the setting of the Scheduled Monument in comparison to the present use of that part of the site as a garden.
- 5.9 As Historic England has advised, the site is one of only two remaining parts of the Scheduled Monument that resembles how it appeared in the C14th, following the demolition of the Castle. It is therefore hard to conceive how the significance of the heritage asset could be sustained or enhanced by building on this surviving open area. The proposed dwellings would not assist in the understanding of the physical previous use of the land or aid an understanding of the significance of the Castle or Manor. As such it is considered that the development would fail the requirements of the LDF Policy CP16 and DP28 and the public benefits of providing additional housing noting that the SHMA 2016 shows a substantial supply of housing land and the removal of the office building does not outweigh the harm.
- 5.10 The dwellings proposed on the rear of the site would be built with the same ground floor level as The Bungalow. As already stated above The Bungalow is considered to be uncharacteristic due to its raised ground floor levels and its resultant height above the road and causes harm to the character and appearance of the Conservation Area. Despite a slight reduction to the height of the proposed dwellings through amended plans they would have a ridge height above that of The Bungalow. There is significant concern about the visual impact of these dwellings upon the street scene and upon the appearance of the Conservation Area. Whilst the detailed design of the dwellings is respectful of the traditional character of the Conservation Area, their raised height and rear location is not. Furthermore, they would be viewed from the road across a car park and behind a bin store and a wall of approximately

1m in height. Hedge planting is proposed to the front of plots 4-7 but this would not offset the harm caused by the presence of the buildings on the skyline. The dwellings would be clearly visible from the road frontage and their raised height and rear siting, and the immediate visual impact of the car park, are considered to be an incongruous form of development that fails to preserve or enhance the character or appearance of the Conservation Area. The proposal to develop plots 4 - 7 is therefore considered to be contrary to Policy CP16 and DP28.

Tree

- 5.11 The proposed development of plots 4 - 7 also necessitates the felling of the large Ash tree which is the only substantial and attractive tree within this area and which is visible for a large proportion of Masonic Lane. This would have a significant harmful impact upon the appearance of the Conservation Area. Furthermore, the tree is a strong visual clue that an open area exists and emphasises a visual link to other remaining grassed area of the Scheduled Monument.

Highway safety

- 5.12 There is space within the layout for some parking but falls short of the standards adopted by the Highway Authority. The layout of the parking area shows parking arrangements that are tight giving little space for drivers and passengers to enter or leave vehicles and insufficient space for maintenance within the parking bays. There are parking restrictions on Masonic Lane and any overflow parking would be likely to impact on public or private parking areas further from the site.

Neighbour amenity

- 5.13 There is no objection from any neighbours to the proposal and assessment of issues of amenity of neighbours has found there to be no significant impacts as there are no overlooking windows and the main impact from overshadowing would be from the existing bungalow upon the proposed dwelling.

Conclusion

- 5.14 It must therefore be concluded that whilst the frontage dwellings as proposed could have a positive visual impact upon the Conservation Area, the dwellings to the rear would have a harmful impact and fail to sustain or enhance the significance of the Scheduled Monument. There would be benefit gained by the loss of the office building and the replacement proposed dwellings at plots 1-3. The policy requirement is to consider whether the scheme as a whole would have a positive impact that would outweigh the harm done to the Scheduled Monument by building upon part of it. This has not been proved. Any positive impact relates to plots 1-3 only. There is no evidence provided that details why the rear part of the site cannot continue as an open area (and more recently garden area) as it has since the 1300s. The dwellings proposed at plots 4 - 7 would, due to their raised levels, be inappropriate and harmful to the character of the Conservation Area. As such there is no exceptional case that would allow the development to be permitted contrary to Policy DP29 and refusal must therefore be recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed development would have a harmful visual impact upon the character and appearance of the Thirsk and Sowerby Conservation Area due to the location

and raised siting of the dwellings at plots 4 – 7, the physical dominance of the frontage of the site by use for parking and refuse storage and the loss of the Ash tree contrary would harm the local scene when viewed from Masonic Lane. The proposal is therefore contrary to the Local Development Framework Policies CP16 and DP28 and in the absence of any public benefit that would outweigh the harm approval would be contrary paragraphs 131 – 133 of the NPPF.

2. In the absence of any evidence to prove to the contrary and due to the inclusion of plots 4 - 7 the proposed development would fail to sustain or enhance the setting of the Scheduled Monument contrary to Local Development Framework Policy DP29 and paragraphs 131 – 133 of the NPPF.

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Parish: Topcliffe
Ward: Sowerby and Topcliffe
14

Committee Date: 3 March 2016
Officer dealing: Mr A Cunningham
Target Date: 11 December 2015

15/00823/FUL

**Change of use and internal alterations to existing chapel to form 3 apartments
at Topcliffe Methodist Church, Church Street, Topcliffe
for The Methodist Church Thirsk & Northallerton Circuit**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a Grade II Listed Building (circa 1840), originally constructed as the Wesleyan Methodist Church and remained as a Place of Worship until 2014. It is understood the building has remained vacant since this time. The site also contains a small area of private garden to the immediate south. The site occupies a prominent position on the junction of Long Street and Church Street, abutting neighbouring residential plots to the immediate north and east. The Church is of brick built construction; dual pitched roof and natural slate roof covering.
- 1.2 The external works are limited to the installation of five conservation style roof lights to the northern roof plane and to increase the height of the chimney stack to the eastern elevation to allow it to draw more efficiently.
- 1.3 The internal space is to be remodelled by means of a series of partitions to create two units at ground floor level. A new floor structure would be introduced at both first and second floor level, with the space subdivided by further partitions to create the third unit across the two upper floors.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00824/LBC - Listed Building Consent for internal alterations to existing chapel to form three apartments - Decision pending.

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Topcliffe Parish Council - would like to recommend refusal for the alterations to the chapel. There are no parking spaces for cars, six parking spaces would need to be provided. There is also no space allocated for waste. Bins would need access over a neighbouring drive, if bins were left on this drive access down it would be prevented. A neighbour who was present at the meeting also stated she had not been given notice of the application.
- 4.2 Highway Authority - No parking is available within the curtilage for this proposal. In the submitted design and access statement it states "there is no car parking and cars will be parked on the road on Church Street (before the road narrows) and on the off street hardstanding area opposite on Long Street". These areas are already well used for parking by existing residents who do not have the benefit of off-street parking. As a consequence it is considered likely that residents of this proposed development would park outside the chapel around the junction of Church Street/Long Street where visibility and carriageway width are already restricted. The Local Highway Authority recommends that Planning Permission is refused.
- 4.3 Environmental Health Officer - No objections or recommendations.
- 4.4 Four letters of representation have been received. Those comments are summarised as follows:
- No objection to the development of the building as something needs to be done;
 - No parking spaces are provided. This would pose a problem for occupiers of new units and surrounding occupiers, construction vehicles, plant and machinery;
 - There is no guaranteed parking on Long Street or Church Street; and
 - If a suitable parking solution was put in place, the application would be welcomed.

5.0 OBSERVATIONS

- 5.1 Local and national policies seek to promote sustainable development which will enhance or maintain the vitality of rural communities. Moreover, there is a strong policy emphasis to adequately protect amenity and to preserve and enhance the special interest of heritage assets. In addition, to the issue of principle, the application raises issues in respect of (i) the loss of a community facility; (ii) affordable housing policy; (iii) amenity; (iv) heritage; (v) flooding; and (vi) highway safety.

Principle of Development

- 5.2 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. The application site is situated wholly within the Development Limits of Topcliffe wherein development is permissible in principle under LDF policies.

Loss of Community Facility

- 5.3 The LDF seeks to encourage more sustainable settlements and communities. This is

secured in part by the provision of facilities such as village halls, schools, nurseries, places of worship, public houses and post offices, all of which play an important role in the social and cultural infrastructure of a settlement. The LDF places a presumption against the loss of such community assets. However, exceptions may be considered under the following criteria of policy DP5:

- i there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
- ii retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
- iii an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.

5.4 In this instance Topcliffe is served by a range of community facilities inclusive of St Columba's Church, which lies to the immediate west; the village hall to the north east and a public house, post office and surgery, all of which are located in close proximity on the southern side of Long Street.

5.5 The application is made by the Methodist Church and it is considered that they Church is well placed to determine whether the chapel in Topcliffe is necessary to meet the needs of the Methodist community and whether an alternative Place of Worship can meet the needs of the local community. It is acknowledged that the Methodist Church and Church of England share resources and it is considered that the availability of St Columba's Church, combined with a range of other facilities, as outlined above, are such that the loss of the former Methodist Church is considered to be acceptable on this occasion and permissible under the LDF Core Strategy Policy CP2 and Development Policy DP5.

Affordable Housing

5.6 LDF Core Strategy Policy CP9 seeks to maximise affordable housing provision from all residential developments of 2 dwellings or more outside of Service Centres, subject to negotiation taking account of viability and the economics of provision. The relevant proportion of affordable housing applicable on this occasion is 40%. This equates in real terms to one of the three units being allocated for affordable housing with the remaining quota (approximately 6.66%) being secured by a developer contribution. The applicant's appointed agent has provided confirmation of their agreement to the above.

Amenity

5.7 Development Policy DP1 requires that all development proposals adequately protect neighbouring land users in terms of privacy, security, noise, disturbance, pollution, odours and light.

5.8 The proposed use of the premises for residential purposes is consistent with the established characteristics of the area. In turn, the relationship of the building, position of existing openings relative to neighbouring land users and the limited nature of the external changes are such that the development is not considered to be prejudicial to amenity.

5.9 In response to concerns voiced in respect of waste an allocated bin store is to be provided to the north east, within the envelope of the building.

Heritage

- 5.10 The key test under LDF Core Strategy Policy CP16 and Development Policy DP28 is to preserve and enhance all aspects of a heritage asset which contribute to its character and appearance. These matters are considered in further detail in the Listed Building Consent application that is to be determined under delegated powers. In turn Policies CP17 and DP32 place a strong emphasis upon the need to secure a high standard of design. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building
- 5.11 The building is designated as a Listed Building Grade II wherein it is included for its group value. It is the external features of the building, inclusive of the red brick in Flemish bond, welsh slate roof, central double leaf four panel door and round headed sash windows which are noted to be of special interest. The proposals seek to retain and make good these original features.
- 5.12 The proposed roof lights to the northern roof plane are designed to provide a source of natural light, forming a series of modest breaks within the roof plane. The detailing of the roof lights, finished flush to the plane of the roof, is considered to be appropriate to the historic significance of the building.
- 5.13 The chimney stack to the east has been the subject of a previous alteration. The proposals specify a 600mm increase in the height to allow the stack to draw more efficiently. This is likely to be consistent with the original, historic form. Consequently no objections are raised.
- 5.14 The works to facilitate the conversion are concentrated internally. No features of recorded value would be lost.
- 5.15 In light of the limited amenity space the use of the building as self-contained apartments is considered to be logical, as opposed to that of a family home.
- 5.16 The sympathetic and modest nature of the proposed works are such that the scheme is considered to preserve the special interest of this Listed Building whilst promoting a high standard of design in accordance with LDF Core Strategy Policies CP16 and CP17 and Development Policies DP28 and DP32.

Flooding

- 5.17 The application site is situated outside of any Flood Zone as designated by the Environment Agency Flood Map. Consequently the development has an acceptably low risk of being affected by flooding, in accordance with LDF Core Strategy Policy CP21 and Development Policy DP43.

Highway Safety

- 5.18 Core Strategy Policy CP2 and Development Policies DP3 and DP4 seek, in part, to achieve minimum levels of car parking commensurate with road safety. As noted

within section 4.0 of this report concerns have been expressed by local residents and the Highway Authority regarding the lack of any off street parking within the site and the impact this is likely to have upon existing residents and the safety of road users.

- 5.19 Firstly, it should be noted that the site in its present form has no designated off-street parking and the former use of the premises as a place of worship is likely to have generated a number of vehicular movements. Moreover, the former Methodist Church is defined under The Town and Country Planning (Use Classes) Order 1987 as a Non-Residential Institution (Use Class D2) wherein the premises could be occupied for an alternative purpose such as a clinic, nursery, creche or training centre without the need for planning permission. The use of the premises for such purposes would be likely to generate a significant number of vehicular movements. Consequently, the Council must be mindful of the established use of the premises, the potential use of the premises and the vehicular movements associated with those uses.
- 5.20 With the above in mind it is regrettable that the proposed scheme is unable to make provision for off street parking. The proposed use of the premises, to house three self-contained residential units, would not be likely to generate a greater number of vehicular movements than that which would otherwise be created by the former Methodist Church or an alternative Non-Residential Institution (Use Class D2) but would spread them over a more regular daily pattern of activity rather than intensely concentrated at specific times as could be the case with the established or potential use of the premises. The behaviour of vehicle users would also differ. Attendees of the Church or potential alternative uses would be likely to accept the lack of on-site vehicular parking and that a degree of walking would be required. Occupiers of the residential use would most likely wish to park their vehicles nearer the site. The highway infrastructure surrounding the site includes few parking or waiting restrictions therefore the potential for stationery vehicles to impede the flow of traffic is high.
- 5.22 In light of the above the scheme is considered to be prejudicial to highway safety on the grounds that the development would be likely to result in vehicles being parked outside the site on the highway to the detriment of the free flow of traffic and road safety. The highway safety implications of the development are so severe that they outweigh all other matters and despite the benefits associated with the re-use of a listed building and the creation of dwellings these benefits do not override the need to protect the safety of highway users. The application is therefore considered to be contrary to the LDF Policies CP1, DP3 and DP4

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. In the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being regularly parked outside the site on the highway to the detriment of the free flow of traffic and road safety, contrary to policies CP1, DP3 and DP4 of the Hambleton Local Development Framework.

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