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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 21 March 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 31 March 2016**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
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 TOPICS TO BE CONFIRMED BUT WILL INCLUDE AN UPDATE ON THE COMMUNITY INFRASTRUCTURE LEVY

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 3 March 2016 (P.23 - P.24), attached.
1 - 6
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS
Report of the Executive Director.
Please note that plans are available to view on the Council's website through the Public Access facility.
7 - 150
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, 3rd March, 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
	G W Ellis		Mrs J Watson
	K G Hardisty		S Watson
	J Noone		

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	M S Robson
	B Phillips		

Apologies for absence were received from Councillors S P Dickins and A Wake

P.23 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 4 February 2016 (P.21 - P.22), previously circulated, be signed as a correct record.

P.24 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) 15/02296/FUL – Alterations to and Change of use of former public house to dwellinghouse at The Dog and Gun Inn, Carlton Road, Carlton Miniott for Mr T Brierley

APPLICATION WITHDRAWN

- (2) 15/01524/FUL and 15/01525/LBC - 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 at Hill Top Cottage, Crakehall for Mr J Kent

DEFER for further research into the planning history

(Tim Coulter spoke objecting to the application.)

- (3) 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 Price

PERMISSION GRANTED subject to a condition requiring the continued retention of those parts of the hedge not proposed for removal

(The applicant, Gerry Price, spoke in support of the application.)

- (4) 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 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 18 December 2015 and 9 February 2016 at Land and buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland for Mr and Mrs R Holmes-Smith

PERMISSION GRANTED subject to a condition requiring the total removal of the temporary access track and restoration of the land and reinstatement of the hedge

(The applicant, Rowland Holmes-Smith, spoke in support of the application.)

(Mary Frew spoke on behalf of Kirby in Cleveland Parish Council objecting to the application.)

(David Chadwick spoke objecting to the application.)

- (5) 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

PERMISSION REFUSED for recommended reasons numbered one and two in the report.

(Gary Raisbeck, spoke in support of the application.)

(Darryl Heys spoke objecting to the application.)

- (6) 15/02337/OUT - Outline application with all matters reserved for the construction of a single detached dwelling as amended by plans received by Hambleton District Council on 16 December 2015 at Land adjacent to Church Cottage, Maunby for Mr James Hill-Walker

PERMISSION REFUSED

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

- (7) 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

PERMISSION REFUSED because of concerns of the impact on residential amenity, impact on the character of the countryside, and the suitability of the land for keeping livestock.

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

(The applicant's agent, Sam Harrison, spoke in support of the application).

(Janet Corner spoke on behalf of Newton on Ouse Parish Council objecting to the application.)

(Bernard Flynn spoke objecting to the application.)

The Chairman adjourned the meeting at 3.40pm and the meeting reconvened at 3.50pm.

- (8) 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

PERMISSION GRANTED

(The applicant's agent, Michael Wildblood, spoke in support of the application).

- (9) 15/02740/FUL and 15/02741/LBC - Planning and Listed Building Consent for the renovation of Listed Building including construction of a rear single storey extension at Fairview, Stillington for Mr Tyssen

15/02740/FUL - PERMISSION GRANTED

15/02741/LBC – PERMISSION GRANTED

(John Moreland spoke objecting to the application.)

- (10) 16/00042/FUL - Demolition of store building and construction of two storey dwellinghouse at 21 College Square, Stokesley for Mrs A Watts

PERMISSION REFUSED because of overdevelopment of the site and impact on the character and appearance of the conservation area; harm to the heritage asset through the demolition of the stone building; harm to the residential amenity through overbearing relationship and loss of light and loss of privacy; and a lack of parking.

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

(Bryn Griffiths spoke on behalf of Stokesley Parish Council objecting to the application.)

(Andrew Beeforth spoke objecting to the application.)

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

THAT TPO 2015/14 BE CONFIRMED

- (12) 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

PERMISSION GRANTED

- (13) 15/02259/FUL - Demolition of existing 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 together with modified verge crossing and associated works as amended by plans received by Hambleton District Council on 12 January 2016 at The Bungalow, Masonic Lane, Thirsk for Stevenson Properties

PERMISSION REFUSED

(The applicant, Ian Stevenson, spoke in support of the application.)

(Freida Roberts spoke on behalf of Thirsk Town Council objecting to the application.)

- (14) 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

PERMISSION REFUSED

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

The meeting closed at 5.20 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 31 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 31st March 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/00006/FUL Mr P Jones Bedale Page no. 13	Construction of 79 dwelling houses with associated access, parking, open space and landscaping For: Persimmon Homes At: Lyngarth Farm, Bedale RECOMMENDATION: GRANT
2	15/01625/OUT Mr A Cunningham Carlton Miniott Page no. 29	Outline planning application for construction of up to 20 dwellings with all matters reserved For: CJ Leonard & Sons At: Land north of Rydal Close, Carlton Miniott RECOMMENDATION: REFUSE
3	15/00469/MRC Mrs H Laws Crayke Page no. 43	Variation of condition of Condition 3 of planning permission 11/02736/FUL limiting the use of a building for storage and housing of a grain dryer to farm use only For: G & R Dawson At: Rose Cottage, Crayke RECOMMENDATION: REFUSE
4	15/00471/MRC Mrs H Laws Crayke Page no. 51	Removal of condition 4 of planning permission 11/01483/FUL requiring the weighbridge to be used for farm operations only For: G & R Dawson At: Rose Cottage, Crayke RECOMMENDATION: REFUSE
5	15/02384/FUL Mr T Wood Easingwold Page no. 59	Construction of 143 residential dwellings, garages, car parking spaces, means of access/egress, POS, landscaping, land for primary school expansion and land for cemetery expansion For: Linden Homes North and GBL Projects (Four) Ltd At: Land east of Thirsk Road and Husthwaite Road, Easingwold RECOMMENDATION: REFUSE
6	15/02419/OUT Mr T Wood Easingwold Page no. 75	Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses For: Jomast Developments At: Land adjacent and rear of the Old Police Houses, York Road, Easingwold RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	15/02795/MBN Mrs B Robinson Great Busby Page no. 91	Prior notification of change of change of use of 3 agricultural buildings to 2 dwellings and associated operational development. For: Mr Nicholas Hugill At: Cote House Farm, Busby Lane, Great Busby RECOMMENDATION: REFUSE
8	16/00166/FUL Mr A Thompson Helperby Page no. 95	Conversion of barn to dwellinghouse with double domestic garage, associated parking and revised access For: J G Swiers (Helperby) Ltd At: The Stelling, Back Lane, Helperby RECOMMENDATION: GRANT
9	16/00149/FUL Mrs A Sunley Morton-on-Swale Page no. 101	Proposed single storey extension to dwelling For: Mr Aldred Poulter At: Baileys, Morton on Swale RECOMMENDATION: GRANT
10	15/02525/FUL Mr A Cunningham Newton on Ouse Page no. 103	Engineering operation to form 11 fish farm ponds and construction of 2 polytunnels For: Christopher Rooke, RW Rooke & Sons At: Land west of Beeches Farm, Tollerton Road, Newton on Ouse RECOMMENDATION: GRANT
11	14/02609/FUL Mr A Thompson Romanby Page no. 107	Construction of 56 dwellinghouses with associated access, parking, open space and landscaping For: Persimmon Homes (Yorkshire) Ltd At: Land to rear of 56 Ainderby Road, Northallerton RECOMMENDATION: REFUSE
12	15/02850/FUL Mr A Thompson Sowerby Page no. 115	Construction of three storey building for hotel and ancillary restaurant/bar, together with car parking and ancillary works For: Premier Inn Hotels Limited At: Land south of Maple Gardens, Topcliffe Road, Sowerby RECOMMENDATION: GRANT
13	15/02697/FUL Mr A Cunningham Sutton on the Forest Page no. 125	Conversion of existing building to form new dwelling together with change of use of buildings/land to domestic For: Mr & Mrs D Mitchell Innes At: Woods Farm, Main Street, Sutton on the Forest RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
14	15/02851/FUL Mrs S Leeming Thirsk Page no. 133	Revised application for the construction of a detached bungalow and associated parking For: Mr Mark McColmont At: 131 Long Street, Thirsk RECOMMENDATION: GRANT
15	15/02719/FUL Mrs B Robinson Thrintoft Page no. 139	Construction of an agricultural workers dwelling to include caravan park reception area For: Mr K Tiplady At: Canada Fields, Yafforth RECOMMENDATION: GRANT
16	15/02501/FUL Mrs H Laws Thrintoft Page no. 145	Proposed change of use of agricultural land to domestic and construction of one bungalow. For: Pilcher Homes Ltd At: Thrintoft Grange, Thrintoft RECOMMENDATION: REFUSE

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Parish: Bedale

Ward: Bedale

1

Committee Date: 31 March 2016

Officer dealing: Mr Peter Jones

Target Date:

15/00006/FUL

Construction of 79 dwelling houses with associated access, parking, open space and landscaping as amended by drawings received on 03 March 2016.

For Persimmon Homes (Teesside) Ltd.

At Lyngarth Farm, Bedale

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was deferred by Planning Committee in December 2015 for a number of matters to be addressed. Planning Committee expressed concerns about the impact of three storey elements within the scheme, including rooms within roof spaces, considering these as being out of character with Bedale. The second issue raised by Committee was the system of management of the Public Open Space which was intended to be controlled by a management company as opposed to the Town Council.
- 1.2 Planning permission was originally sought for the construction of 88 dwellings, associated access, open space and landscaping. However, the layout was revised down to 81 dwellings on a site 2.5 ha in area. The site has now been adjusted utilising alternative house types to omit the three storey house types. This has resulted in the scheme being reduced to 79 units.
- 1.3 The revised proposal would deliver a development of approximately 31 dwellings per hectare. 31 of the dwellings (39.2 %) are identified as affordable housing, with the balance of 48 dwellings would be for sale on the open market. The affordable dwellings are distributed through the site and are designed to appear indistinguishable from the market dwellings.
- 1.4 The proposed dwellings are predominantly two-storey in height with the previous three storey house types now omitted, providing a mix of two, three and four bedroom dwellings. 8 bungalows have been included.
- 1.5 Proposed architectural details include: entrance canopies/porches, brick chimneys, decorative soldier courses. All dwellings would have private amenity space in the form of rear gardens and there would be space for refuse/recycling storage.
- 1.6 Access is proposed from South End.
- 1.7 The site presently consists of grassland, used for grazing and boundaries are made up of a mixture of fencing, hedgerows and trees. A mature tree is located adjacent to the western boundary and is considered to have a high public amenity value. A Public Right of Way (PROW) runs along the southern boundary of the site.
- 1.8 The proposed development is located on the south-east edge of Bedale. The site forms part of the BH6 (Lyngarth Farm) Allocation. Policy BH6 states that the site (2.5 ha) is allocated for housing development subject to:
- i Development being at a density of approximately 30 dwellings per hectare, resulting in capacity of around 75 dwellings of which a target of 40% should be affordable;
 - ii Types and tenure of housing developed meeting latest evidence on local needs;

- iii Contributions from the developer towards providing public open space, provision of footpath and cycleway links towards Bedale town centre, improvements to pedestrian access along Firby Road and, if required, additional drainage and sewerage infrastructure; and
- iv Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

1.9 Surrounding the site are existing residential properties, open land and the sewage treatment works is located across South End Road.

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

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None other than the allocation described above.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP5A - The scale of new housing

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing

Core Strategy Policy CP8 - Type, size and tenure of housing

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Core Strategy Policy CP20 - Design and the reduction of crime

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

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP29 - Archaeology

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

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP34 - Sustainable energy

Development Policies DP36 - Waste

Development Policies DP37 - Open space, sport and recreation

Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

Bedale Town Council

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

Practice Manager, Glebe House Surgery

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

Highway Authority

- 4.4 First Response: The Transport Assessment is generally considered to be acceptable. Comments regarding the existing layout are as follows:

1. The extent of several of the shared surface areas is unclear and further details are necessary. Shared surfaces should maintain a continuous width of 6.5m along their full length.
2. The site layout plan does not indicate if tactile paving is to be provided. It will be necessary to ensure that dropped kerbs and buff coloured tactile paving is provided.
3. It is noted that the existing 30mph speed limit located to the north of the site on South End is to be extended south to encompass the proposed site access junction. However, this cannot be secured as part of the planning application and visibility splays of 90m are requested that conform to NYCC standards, rather than the relaxed standards shown.
4. The layout of some of the parking courts does not appear to allow sufficient separation/spacing between spaces to allow vehicles to reverse and manoeuvre from spaces in parking courts.
5. It is noted from the Transport Assessment that South End varies in width in the vicinity of the site, however along the site frontage, the main carriageway should be a minimum of 5.5m in width.

Additional information is required, including:

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

4.5 Second response: no objections subject to conditions.

NYCC Education

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

NYCC Historic Environment Team

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

Environment Agency

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

Natural England

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

Environmental Health Scientific Officer

- 4.10 No objections to the scheme.

HDC Leisure Services

- 4.11 In principle we support the location of the Public Open Space. Children's play equipment is required. 3 or 4 pieces of play equipment on this site suitable for under 5's. The Town Council would be required to take on responsibility for the maintenance of the equipment and POS with a suitable fee to cover this agreed, or a management company. We would also look for an appropriate amount to be secured for off-site provision for young people in accordance with the Public Open Space, Sport and Recreation Action Plan for Bedale.

Yorkshire Water

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

Swale and Ure Internal Drainage Board (IDB)

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

Planning and Housing Manager

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

Neighbourhood Policing Team

- 4.16 Recommend the scheme be designed to Secured by Design Part 2. The Design and Access Statement (DAS) should state how crime is addressed. The POS should not

be used for children's play; if it is, it should be fenced off; signage/litter bins and dog fouling bins are required; security during the construction phase is required.

Design and Maintenance Manager (drainage advice)

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

Ramblers Association

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

Publicity

- 4.19 2 petitions of objection have been received, one with 47 names and one with 118.
- 4.20 23 individual objections have been received to date, including comments on different revisions to the scheme, some from the same people, summarised as follows:

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

- 4.21 Additional third party comments received on the revised drawings received on 03 March 2016:

- Concern raised about the proximity of proposed tree planting to 51 Stapleton Close, Bedale.
- The boundary fencing to this property does not fully extend to the roadside. As the extension to our own property will be adjacent to the driveway of this development could the type C fencing please be extended to the roadside, to offer us greater protection and privacy.

5.0 OBSERVATIONS

- 5.1 The principle of residential development on this site has been set through the LDF process. The LDF Core strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton, including the Bedale area. Following on from this the Allocations DPD identifies sites to meet and deliver the targets and objectives set out within the Core Strategy.
- 5.2 The site relates to the BH6 Lyngarth Farm, Bedale allocation and as such it is considered suitable for residential development, in principal, subject to provisions detailed within paragraph 1.7 of this report. The site is not within the Green Belt as suggested by objectors.
- 5.3 The main planning issues to consider in the determination of this application are therefore matters relating to:
- The mix of new housing
 - Design and density
 - Highway matters and car parking
 - Residential amenity
 - Drainage and flood risk
 - Sustainable construction
 - Ecology
 - Archaeology
 - Public Open Space
 - Affordable housing and viability
 - Other contributions

The Mix of New Housing

- 5.4 The application proposes a mix of two, three and four bedroom dwellings in short terraces, detached and semi-detached form. The application proposes 39 dwellings of a larger size having three and four bedrooms. 40 dwellings would have two bedrooms. Eight bungalows have been included in the revised scheme to meet the requirements of adopted Supplementary Guidance. The proposed mix is generally considered to meet the need for the range of family homes required in the locality and it includes 10% bungalows to meet the needs of older people.
- 5.5 In order to create an inclusive development the Council would not support the grouping of affordable units together. Affordable properties should be 'pepper potted' though the site amongst open market properties. An amended layout plan has been submitted which shows that the affordable dwellings would now be spread throughout the site, mostly in short runs. Confirmation has been sought as to whether the affordable properties would meet the minimum floor space requirement as set out by the SPD Affordable Housing. The applicant has confirmed that the affordable units will meet the Nationally described space standards but some of the open market units

fall below the standard set out in the adopted SPD. This is a relatively marginal breach and facilitates the delivery of slightly more affordable housing as a result.

Design and Density

- 5.6 Policy DP32 states that the design of all development must be of the highest quality. Attention to the design quality of all development will be essential. Development must seek to achieve creative, innovative and sustainable design that take into account local character and settings and promote local identity and distinctiveness.
- 5.7 In terms of density, the minimum range of 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for the site involves an understanding of the characteristics of the area; the desirability of achieving high quality, well designed housing, the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.8 The application site covers an area of 2.5 ha and the revised development of 79 dwellings gives a density of approximately 31 dwellings per hectare. This is broadly consistent with the aims of the BH6 allocation, which seeks some 75 dwellings at 30 dwellings per hectare.
- 5.9 The revised scheme achieves greater separation distances between properties and the addition of bungalows which avoid problems of overlooking and overshadowing and the space introduces some permeability into the site. Parking courts have now been removed. The revised layout is considered to be in keeping with the character and context of the local area. The revised drawings show defensible space around the properties and boundary treatments would be conditioned to address the issue of crime. The Public Open Space would be located in the middle of the site and would be overlooked by the proposed dwellings. A revised Design and Access Statement has been submitted addressing the potential for crime and a condition can be applied requiring the submission of details and implementation of crime prevention measures for the site.
- 5.10 The design of the house types (mainly two-storey) reflects the more traditional elements of Bedale's built environment and the palette of materials would reflect the local vernacular and the proposal would be acceptable in this respect. The Town Council had expressed concerns regarding the 2.5 storey houses on the original scheme, stating that they are not part of the Bedale vernacular. These units have now been deleted from the scheme and replaced with 2 storey units. Chimneys have been added to frontage properties to add interest to the street scene and skyline. A condition can be imposed to secure precise details of external materials to ensure full integration.
- 5.11 Greater separation distances to the mature boundary tree in plot 14 would now be achieved. The majority of existing hedges, including that to the frontage, which screens the development, would be retained. A condition requiring boundary treatment details and tree protection measures should be applied.

Highway Matters

- 5.12 The scheme proposes an access from South End and objections have been raised by local residents with respect of the access and highway safety in general.
- 5.13 The Highway Authority is satisfied with the proposal in principle. The allocation was made on the understanding that South End could accommodate the traffic associated with a development of approximately this scale and it is considered that South End is

capable of accommodating the traffic arising from the 79 dwellings now proposed. The location of the access is considered to be acceptable and visibility splays accord with requirements. The access has adequate room for both refuse vehicles and fire tenders to manoeuvre within the site as required.

- 5.14 In terms of amenity it is accepted that vehicle movements on South End will increase, but it is not considered that they would increase to such a level that they would have a significant detrimental impact upon the amenity of neighbouring residents. The request from the Town Council with regard to the 30mph speed limit sign has been passed to NYCC Highways and any further advice on this will be reported to Committee. The Highway Authority is otherwise satisfied that suitable visibility splays can be established to preserve highway safety, given the current position of the 30mph limit.
- 5.15 With respect to parking, each property would have its own off-street parking. A condition requiring the provision of the footpath along the frontage of the site should be applied to ensure accessibility. Suggested highway related conditions are to be forwarded by the Highway Authority and will be reported to Committee.

Residential Amenity

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

raised by Environmental Health to the scheme and it is not considered that the amenity of future occupiers would be adversely affected in this regard.

Drainage & Flood Risk

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

Sustainable Construction

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

Ecology

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

Archaeology

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

Public Open Space

- 5.31 Policy DP37 requires new housing developments to contribute to the achievement of local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 5.32 Under the SPD 3,590 sq. m of public amenity space would be required for this scheme with an equipped children's play area. Some 3,387 sq. m of open space is to be provided for amenity purposes, falling below the requirements of SPD by 203 sq. m, however this shortfall can be made up via a commuted sum of £2,597.28, to be spent on a specific project in Bedale as identified in the Public Open Space, Sport and Recreation Action Plan for Bedale and which would directly address the recreational needs of the occupiers of the proposed housing.
- 5.33 The main area of Public Open Space in the middle of the site is well located, suitably overlooked and contains an equipped play area as required by the SPD. A management company (not the Town Council) would be set up to maintain the on-site open space.
- 5.34 Also, in line with the SPD, £14,869.78 is to be provided for young people's open space through a local project specifically outlined by the Public Open Space, Sport and Recreation Action Plan for Bedale. Again, this would directly address the recreational needs of the occupiers of the proposed dwellings and cover the shortfall of provision on the site to comply with the SPD.
- 5.35 Taking all of the foregoing into consideration, the proposal therefore is considered to meet the requirements of Policy DP37 and the SPD.

Affordable Housing and Viability

- 5.36 Policy CP9 seeks to ensure that affordable housing is provided which is accessible to those unable to compete in the general housing market. For Bedale and its hinterland a provision of 40% is sought. Policy BH6 reinforces this requirement subject to viability.
- 5.37 The applicant has proposed an affordable housing level of 39.2% (31 dwellings) and the affordable properties would now be spread throughout the site. The applicant has agreed to the required tenure split (70% social housing and 30% intermediate). Additionally the applicant has confirmed that the affordable units meet the space standards of the adopted SPD.

Other Contributions

- 5.38 Policy BH6 identifies the need for contributions from the developer towards providing improvements to education and local healthcare facilities and it is noted that NYCC Education have requested a contribution. Policy BH6 also outlines contributions being required to improve access to Firby Road. However, specific payments for education, health and other off site contributions not directly required to make the development acceptable are now replaced by the CIL charge to the developer.

Other Issues

- 5.39 Loss of views have been raised by neighbours, but as there is no right to a private view in planning terms, it is not possible to justify a reason for refusal on that basis. The disturbance during construction would be temporary and would not justify a

reason for refusal, although conditions can be imposed on working hours and on the location of the site compound in order to reduce the impact of the construction works. Other issues raised, including lack of developer response to the public consultation and loss of property values, are not material to the planning application considered.

Conclusions

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

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 31 affordable dwellings within the development in accordance with the Council's Affordable housing SPD; and (ii) a contribution of £2,597.28 towards local open space, (iii) a contribution of £14,869.78 towards local sport and recreation provision; and (iv) appropriate management of on-site open space; and
- (b) The following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered received by Hambleton District Council on 2015; unless otherwise agreed in writing by the Local Planning Authority.
 3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. No dwelling shall be occupied until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
 5. No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
 6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
 7. Notwithstanding the submitted details and prior to any above ground works, a scheme of hard and soft landscaping works shall be submitted to and approved in

writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented in the first planting season following first occupation of any dwelling and maintained thereafter in accordance with the approved details.

8. Prior to any above ground works a scheme that shows how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to first occupation or use of any part of the development hereby approved.
9. Prior to any above ground works detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences
11. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
12. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
13. Notwithstanding details hereby approved, no above ground works shall commence until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
14. The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
15. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all

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

16. A footpath shall be provided across the frontage of the site.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
9. To protect the amenity of the neighbouring residents and to ensure accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.
11. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework

14. In the interests of the visual amenities of the locality.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
16. To allow for pedestrian access, in accordance with Policy CP2.

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Parish: Carlton Miniott

Ward: Thirsk

2

Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 10 December 2015

15/01625/OUT

Outline planning application for construction of up to 20 dwellings with all matters reserved

**at Land north of Rydal Close, Carlton Miniott
for CJ Leonard & Sons**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site extends to around 0.82ha and is located beyond the north eastern limit of the village of Carlton Miniott, to the immediate west of Thirsk and directly west of the East Coast Main Line railway. The site lies outside of the Development Limits of Carlton Miniott defined in LDF Policy CP4.
- 1.2 Although this is an outline planning application with all matters are reserved for later approval the red line boundary plan only provides for one means of access to the site. Vehicular access to the site is proposed from the northern end of Ripon Way, turns east, crosses a private track before entering the site at its north western corner. Public rights of way run along the eastern boundary of the site adjacent to the railway line and to the north of the proposed development.
- 1.3 The site is bound by a belt of trees to the east. An access track sits to the west of the development site. This track which is slightly elevated above the application site extends from Carlton Road to the south and serves a scrap yard to the north of the application site. The western boundary of this access track is formed of established hedgerow.
- 1.4 The development site is currently grassland. It is positioned in Flood Zone 1.
- 1.5 In their supporting statement the applicant states: "The threshold for Thirsk sub area requires 40% affordable housing and it is envisaged that these matters will be dealt with through a Section 106 agreement". An affordable housing statement confirms that the proposal "will provide 40% affordable dwellings (subject to any changes in national planning policy and viability considerations)." The affordable housing statement also confirms that the affordable dwellings will be secured through a S106 Agreement.
- 1.6 The following documents have been provided in support of this application: Affordable Housing Statement, Statement of Community Involvement, Habitat Survey, Planning Statement and a Noise Assessment.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/92/025/0128A - outline application for the construction of a dwelling; Refused 1993.
- 2.2 08/00473/OUT - Application for outline planning approval for residential development; Refused 2008.

This application related to the eastern portion of site and was refused for the following reason: The proposed residential development would be contrary to Policies CP1 and CP2 of Hambleton Local Development Framework by virtue of the increased use of the substandard access resulting in unacceptable highway safety problems.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 – Very noisy activities

Affordable Housing - Supplementary Planning Guidance - June 2008

Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011

Sustainable Development - Supplementary Planning Document - Adopted 7 April 2015

Hambleton Biodiversity Action Plan

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

National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - Wish to see application refused on these grounds:

- The area is not included within the LDF for development;
- The village infrastructure cannot take another housing estate;
- The local Primary School at capacity and suffers major traffic issues;
- Highway safety at the roundabout junction of Ripon Way and the A61; and

- Impact on wildlife.

4.2 Highway Authority - comment: to the north of the site is the Junction Works, an existing recycling business, served by a private road. The proposed estate road to serve this development would cross this private road. It is unclear how the existing traffic associated with the business would be accommodated safely within the development. The applicant should submit details showing how the private road will continue to operate, including measures to prevent it becoming a "short-cut" route for vehicles from the proposed development.

4.3 Environmental Health officer - I have given consideration to the above application and cannot support the proposal based upon the information that has been provided. Whilst the acoustic report makes reference to noise levels and mitigation measures there is insufficient detail provided by the applicant for environmental health service to determine whether or not occupants of the proposed dwellings will be adversely affected due to proximity of the buildings to the railway line.

Initially the EHO provided a model condition to be attached to any approval, requiring noise limits as described in the World Health Organisation documents and as set out in BS8233:1999. On further consideration the EHO has confirmed that further investigation will be required to establish, to a reasonable level of confidence, whether those standards could be met.

4.4 Yorkshire Water - conditions recommended regarding separate drainage systems and implementation of drainage. Comment: (1) In order to minimise the risk of any loss of amenity, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing Sewerage Pumping Station. (2) The developer should thoroughly investigate surface water disposal via infiltration or watercourse. (3) SUDS are encouraged. (4) A water supply can be provided to the site.

4.5 Environmental Health Scientific Officer - The applicant has not submitted any information regarding the potential for contamination or whether the land is suitable for use. I would recommend the applicant submits, as a minimum, a Phase 1 Preliminary Risk Assessment (including desk study, site walkover and conceptual site model) prior to determination (please see attached guidance). If not provided then I would recommend a contaminated land condition be attached.

4.6 Ramblers Association - no objection to the scheme. Comments: (1) the site at the moment is used by the neighbourhood as a recreation area - can the remaining northern field area ambient to the public footpath be designated to a similar junction (2) the ownership of the SE corner of the site is not known, It is used as a turning area necessary to cars parked by residents of Railway Cottages (3) a narrow footway between the estate and the public footpath would be useful at this SE point.

4.7 Network Rail - no objection to the development, list requirements relating to drainage, fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, fencing, method statements/fail safe/possessions, mandatory contact with the Asset Protection Project Manager, vibro-impact machinery, encroachment, noise/soundproofing, trees/shrubs/landscaping, lighting, access to railway. Note that drainage, boundary fencing, method statements, soundproofing, lighting and landscaping should be subject of conditions.

4.9 NYCC Footpaths - No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any

proposals for altering the route.

4.10 Public Consultation: Neighbours were notified by letters and site notices; 32 objections have been received in summary concerning:

1. 5 year land supply
2. non-compliance with Interim Planning Guidance
3. use of existing access to scrap yard
4. configuration of access over private track
5. methodology for conducting Phase 1 Survey
6. impact on development by the East Coast Main Line
7. traffic increases on site and in the vicinity
8. highway safety
9. need for additional housing
10. loss of recreation land
11. loss of light
12. loss of privacy
13. noise pollution
14. environmental destruction
15. loss of greenbelt land
16. flooding on site and increased likelihood of flooding off site
17. town and village amenities and school already at capacity
18. stress and disturbance of development detrimental to health and wellbeing of existing occupiers
19. congestion on Ripon Way
20. impact on character of village
21. inadequate road system
22. public transport unable to cope
23. impact on overlooking
24. sewerage treatment works unable to cope
25. coalescence of settlement with Thirsk
26. suitability of Ripon Way/A61 junction, and Ripon Way as an access
27. impact on the full time operation of the adjacent scrap yard
28. amenity issues associated with development near to the adjacent scrapyards
29. impact on drainage system
30. impact of increased traffic on children's play safety
31. type and size of dwellings and compatibility with adjacent property
32. protected species in field
33. contrary to local plan
34. sets future precedent
35. impact on local character/setting
36. lack of amenities and infrastructure in Thirsk to support this development
37. need for Environmental Impact Assessment

5.0 OBSERVATIONS

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

- (a) The principle, scale and distribution of development
- (b) Housing mix, type and tenure
- (c) Public Open Space
- (d) Education
- (e) Highways issues
- (f) Drainage and flood risk
- (g) Design and layout
- (h) Sustainable construction
- (i) Landscape and visual impact

- (j) Trees and ecology
- (k) Archaeology
- (l) Infrastructure and services
- (m) Community engagement
- (n) Residential amenity

Principle, scale and distribution of development

5.2 The site is positioned outside of the development limits of Carlton Miniott. Carlton Miniott is classed as a service village in the sustainable settlement hierarchy outlined in policy CP4 of the Hambleton Local Development Framework. Consequently the development will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, which relate to sustainable development and minimising the need to travel, and where a number of exceptional circumstances can be met. These are:

- (i) it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
- (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
- (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
- (v) it would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- (vi) it would support the social and economic regeneration of rural areas.

5.3 The proposal is not for any of the purposes listed in criterion (i). The environment is not in requirement of improvement nor does it contain a feature of acknowledged importance as at (ii). The exception allowed by criterion (iii) is applied to schemes comprising 100% affordable housing and the proposal is not such a scheme. No buildings are being proposed to be reused as at (iv), and points (v) and (vi) are not relevant to this proposal.

5.4 Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) 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".

5.5 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.

- 5.6 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.
- 5.7 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."
- 5.8 The IPG is clear on what it considers to be "small scale". It states: "small scale development adjacent to the main built form of a settlement will only be supported where it results in incremental and organic growth. As a guide, small scale would normally be considered to comprise up to 5 dwellings. However each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement".
- 5.9 It is acknowledged that Carlton Miniott is one of the larger service villages contained within the settlement hierarchy and consequently its larger scale needs to be considered in the context of assessing whether the development proposed is "small scale". It does however have to be borne in mind that Carlton Miniott comprises two dissected forms to its settlement which impact the way in which "scale" of development is interpreted. Carlton Miniott (West) contains 101 properties, and Carlton Miniott (East) contains 303 properties. This would suggest that a development of more than 5 dwellings could be accommodated. However, the submitted details confirm that the proposed maximum of 20 dwellings would not constitute incremental and organic growth. Consequently the level of development being proposed does not fall within the type of development which can be supported by the IPG.
- 5.10 The principle of the proposed development is not therefore considered acceptable.

Housing Mix, Type and Tenure

- 5.11 This outline planning application is for all matters reserved, however the indicative layout plan does show affordable housing to be positioned to the west of the site. The applicant's affordable housing statement has recognised the policy requirement of CP9 that housing developments of more than 15 dwellings in the service centres and

2 or more dwellings elsewhere must make provision for affordable housing. The threshold for the Thirsk sub area requires 40% affordable housing. The applicant has demonstrated a willingness to provide 40% affordable dwellings (subject to any changes in national planning policy and viability considerations). The applicant advises: "The affordable dwellings will be secured through a S106 Agreement that will accompany any planning approval for this scheme, the detailed matters of which will be subject to future discussions".

- 5.12 This level of affordable housing is supported. The preferred registered provider plus the size, type, tenure and location of the affordable homes would need to be agreed at the reserved matters stage if outline permission is granted. The tenure should comprise a mixture of social rented and intermediate tenure (to be agreed) and the homes should be 'pepper-potted' throughout the development in clusters of no more than 8 dwellings (i.e. in at least two areas of the site). The minimum size and transfer price of these homes would need to accord with the schedule contained in the Council's Affordable Housing - Supplementary Planning Document (SPD).

Public Open Space

- 5.13 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.14 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council's evidence base indicates significant shortfalls in the amount of Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.15 The illustrative layout plan does not include any areas of Public Open Space (POS) to serve the residential development. It is acknowledged that details of the layout of the site are reserved matters and the level of contribution towards improving off-site provision elsewhere can be secured by a Planning Obligation. The formula would be based on Table 3 and Table 7 contained within the Open Space SPD. As the mix of dwelling numbers and sizes is yet to be decided any contribution would be based on a formula taking into account the maximum specified 20 dwellings, the district's average household size of 2.37, any on-site provision, and an allowance for a reduced dwelling number at the reserved matters stage.

Education

- 5.16 The site lies within the catchment of Carlton Miniott Primary School. A response from NYCC Children and Young Peoples Service is awaited to inform a decision on the available capacity at the Primary School. Provided that it is possible to extend the facilities at the school a current shortfall on provision would not necessarily justify objection to the scheme. Contributions towards the extension of school capacity can be achieved by using funds achieved through CIL. Subject to confirmation from the NYCC C&YPS it is considered that the scheme complies with the requirements of Policy DP6.

Highways issues

- 5.17 No transport statement has been provided in support of this application. Policy DP4 of the Hambleton Local Development Framework sets out that development

proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender and supports the requirements of CP1 and CP2 relating to the safety of the population and reducing the reliance on the private car.

- 5.18 The local highway authority has raised concerns regarding the crossing of the access track to the Junction Works scrap yard. No details have been forthcoming from the applicant to suggest how the interaction of vehicles and pedestrians with this track would occur. No details have also been provided by the applicant to address the suitability of the junction of Ripon Way with the A61 (Carlton Road). In the absence of details to indicate to the contrary it is not possible to conclude that safe and easy access would be available and the scheme is therefore not compliant with Policies CP1, DP3 and DP4.

Drainage and Flood Risk

- 5.19 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.20 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.
- 5.21 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.22 Yorkshire Water has not raised an objection to the development but note the required separation distance of any proposed dwelling in relation to their Sewerage Pumping Station apparatus on amenity grounds. This matter would inform the site layout at the reserved matters stage. Local representations have referred to the ground conditions and potential for localised flooding on site. A response from the Council's Drainage Engineer has advised that additional detail is required to understand the site characteristics and potential for on-site mitigation measures and the off-site impacts on drainage infrastructure. No additional detail has been supplied in support of the application in respect of the disposal of surface water. The response of Yorkshire Water is that alternatives to the use of the public sewer should be thoroughly investigated. No details have been supplied in respect of highway drainage. Any SuDs details that are provided would also need to be approved by the Local Lead Flood Authority (LLFA). In the absence of details to show to the contrary it is considered that the development of the site may cause localised flooding of gardens on the site and potentially to neighbouring properties.

Design and layout

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

- 5.24 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.25 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows a development of 20 dwellings. The layout is constrained by the access point and relationship of properties to neighbouring dwellings and the railway to the west, the requirement to provide on-site public open space and SuDs.
- 5.26 The site is recorded on the application forms to be 0.82 hectares (by measurement about 0.7 hectares of developable area once the access road to the north of 54 Ripon Way is excluded). If 20 dwelling were approved this would result in a density of about 28 dwellings per hectare. Given the constraints noted above and the need to provide Public Open Space and potential requirement for SuDs features this may result in a relatively high density of dwellings. It is noted that Rydal Close has a density of about 25 dwellings per hectare but also note that Rydal Close is a bungalow development. On a bungalow layout the separation distances are not expected to be so great and the number of bedrooms in Rydal Close will be lower than expected in the proposed scheme. These constraints and the requirement for a design for the crossing over the existing access track to the Junction Works, and the lack of on-site POS also indicate that the development would be cramped.
- 5.27 The safeguarding of the residential amenity for properties adjoining the application site would need to be revisited by the applicant after they have included an acceptable level of POS into the site's design, and improved landscaping and clarification over the boundary treatment with the interface of the site to the open agricultural land to the north. These factors could be overcome by the design and layout of the dwellings at the reserved matters stage and as such there is no overarching objection to the development on these grounds.

Sustainable construction

- 5.28 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.29 In the event that the Council was minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Landscape and visual impact

- 5.30 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.31 The site is 'countryside' it has residential areas to the south and west. The character of the site is defined by the open grassland, public rights of way and the tree belt to the railway line and adjacent residential estates. Whilst views from the neighbouring properties will be affected by the development the impact would not be so substantial

or adverse to justify a refusal of planning permission. The loss of view over an open field is not a material planning consideration.

Trees and ecology

- 5.32 A Phase 1 Habitat Survey has been produced by Delta-Simons Environmental Consultants Ltd. The survey was undertaken on 6th May 2015. Habitats and the potential of the Site for protected species were assessed during the Extended Phase 1 Habitat Survey.
- 5.33 The report states that the site is characterised by an area of poor semi-improved grassland with short lengths of hedgerow, a large area of scattered scrub and scattered trees along the north-western and south-eastern boundaries. A small section of woodland is situated within the north eastern area of the site. There is a combination of fencing types along the southern and south-western boundaries. To the north and north-west of the site lie semi-improved grassland fields, with the field to the north a continuation of the field which comprises the site.
- 5.34 The survey report comprises 5 recommendations relating to nesting birds, great crested newts, bats, reptiles, and enhancement of the site, these could be the subject of a planning condition if permission is granted.

Archaeology

- 5.35 Paragraph 128 of the NPPF states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 5.36 No assessment has been submitted with the application. There are no known issues relating to archaeology.

Infrastructure and services

- 5.37 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services. The statutory consultees have not raised an objection that would mean that the development would have an adverse impact on community facilities. Reference is made to the Education needs in paragraph 5.16 above.

Community engagement

Public Consultation

- 5.38 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.
- 5.39 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new

development should be looked on more favourably.

- 5.40 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants have undertaken pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals.

Five year land supply

- 5.41 In response to the neighbour comments relating to the 5 year land supply it is recorded that the NPPF places emphasis on maintaining a 5 year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.42 In order to calculate the current 5 year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.43 Over five years this produces a need for 1,370 dwellings ($274 \times 5 = 1,370$). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog for the District to be added to this requirement.
- 5.44 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.45 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.46 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.47 It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.48 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.49 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

Other neighbour concerns

- 5.50 The separation distances of the proposed residential development to the scrap yard to the north and East Coast Main Line are the subject of further study relating to noise as noted earlier in this report. The methodology contained with the habitat survey report at section 3 is considered acceptable. Whilst the land is currently used for recreation purposes, it is private land which is not designated as a public amenity. The reserved matters application stage would address impact on neighbour amenity considering light and privacy. Noise pollution by the development could be addressed by an hours of construction condition. The site is not part of a designated greenbelt. The settlement character and proposed development is such that there would not be a coalescence of settlements with Thirsk. The development does not fall into the category which would trigger the need for the submission of an Environmental Impact Assessment.

Residential amenity

- 5.51 As noted in section 4 of this report the Environmental Health service have considered the potential level of noise that will affect residents of the new properties. The conclusion reached is that there is insufficient evidence available to demonstrate that the noise levels at dwellings and gardens will be acceptable. There is doubt over whether it will be possible through design measures to mitigate for the noise from adjacent noise sources. Taking a precautionary approach, in order to ensure that future residents do not suffer health effects from daytime and night time noise a recommendation of refusal is made this relates to the failure of the applicant to demonstrate that the target levels within the World Health Organisation and the British Standards can be met. Failure to achieve these base line standards would lead to a reasonable expectation that the scheme, a noise sensitive development in an area where potential for harmful noise level is known to exist, fails to achieve the policy requirements of LDF Policy CP21 and DP44.

Conclusion

- 5.52 The proposal does not demonstrate an exceptional circumstance sufficient to align itself with the criteria set out in policy CP4 of the Hambleton Local Development Framework. Additionally the proposed development is of a scale that cannot draw support from the Interim Guidance Note in this location. The principle of development is therefore considered unacceptable. It is unclear how the access to the site would function from Rydal Way where it crosses the access track to Junction Works and in the absence of details to demonstrate to the contrary the scheme would not promote safe and easy access to all. The provision of housing on the site could at the reserved matters stage not harm the residential amenity of neighbouring residential property.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Carlton Miniott and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, DP8, DP9 and CP6 and the aims and objectives of the National Planning

Policy Framework to deliver housing growth in a plan-led system. The proposed development is contrary the Hambleton Local Development Framework

2. In the absence of details to indicate to the contrary the cross-over of the access to the proposed residential development across the access track to Junction Works would give rise to an adverse impact on highway safety, contrary to policy CP1, DP3 and DP4 of the Hambleton Local Development Framework.
3. The proposal is for a noise sensitive development in an area where potential for harmful noise level is known to exist as the scheme fails to show that future residents will be protected from the adverse effect of noise the scheme fails requirements of Hambleton Local Development Framework Policies CP21 and DP44.

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15/00469/MRC

**Variation of Condition 3 of planning permission 11/02736/FUL limiting the use of a building for storage and housing of a grain dryer to farm use only.
at Rose Cottage Crayke North Yorkshire YO61 4TJ
for Mr G & R Dawson.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The Rose Cottage agricultural enterprise lies in open countryside to the west of Crayke, north of the Easingwold Road and outside of the Howardian Hills AONB by approximately 200m. The site comprises several farm buildings including a grain store and a weighbridge and a grain dryer building, the latter of which was granted planning permission in August 2012. The dwelling known as Rose Cottage is not related to the farm business and is occupied independently by a family member. The enterprise at Rose Cottage operates as G&R Dawson, which also operates from Mount Pleasant Farm, which lies approximately 500m to the north east of Rose Cottage and is tenanted.

1.2 The farm is stated to operate over 569.39 hectares of arable land, approximately 40% of which lies to the west of the farm, 28% to the east, 25% to the north and 7% to the south. This land includes owned, tenanted and contract farmed land.

1.3 The planning application relates to the grain dryer building. Permission was granted subject to conditions relating to landscaping, illumination and noise. The following condition was also included:

“Any grain dryer located within the building hereby approved shall only be used as part of the farming operation (undertaken by the landowner at Rose Cottage and Mount Pleasant Farm, Crayke or any land in the occupation of the same landowner) for produce produced on the holding, and shall not be used in connection with a separate commercial enterprise. Records of all grain movements to and from the approved building shall be kept at the private weighbridge (shown on drg no 923/12B) and be available for inspection by officers of the Local Planning Authority and Local Highway Authority, at all reasonable times.

1.4 The reason for the inclusion of this condition is as follows:

“For reasons of highway safety and residential amenity in accordance with LDF Policies CP1, CP2, DP1 and DP4.”

1.5 The application wishes to amend the wording of this condition to remove the first sentence so that it would read:

“Records of all grain movements to and from the approved building shall be kept at the private weighbridge (shown on drg no 923/12B) and be available for inspection by officers of the Local Planning Authority and Local Highway Authority, at all reasonable times.

1.6 The reasons for requesting the amendment is stated by the applicants to be to allow grain to be dried from farmers connected to G&R Dawson as part of a 'profit sharing'

business whereby one farmer provides the land and another plants and harvests the crop. If G&R Dawson is working the land but the land is not within their ownership then any crop produced and dried at Rose Cottage would be in breach of the condition. It is understood that this activity is ongoing and therefore likely to be an existing breach.

- 1.7 There is no planning restriction attached to the previously approved grain store at Rose Cottage.
- 1.8 A Transport Statement has been submitted in support of the proposed variation, which provides details of the expected numbers, direction, timings and seasonality of vehicle movements and size and weight of vehicles. The Statement assumes an average provision of 8.75 tonnes of grain per hectare and the calculation is based on the use of 25 tonne lorries and 12 tonne tractor and trailers. This results in a total of 102 lorries and 210 trailers transporting the 5070 tonnes of grain to the farm (119 from the Easingwold direction and 90 through Crayke), most of which occurs between mid-July and October each year.
- 1.9 Grain produced by Rose Cottage is delivered to seven mills in the region by 25 tonne lorries at any time of the year. This generally equates to 130 movements westwards and 73 movements eastwards.
- 1.10 Information has been provided by the applicant to suggest that historically, the number of vehicle movements from the farm were high. The farm had a contract for 5000 tonnes of sugar beet, which was sold to a processor in York with all vehicles going through either Easingwold or Crayke. Other crops, such as potatoes would also have been transported from field to farm.

2.0 **PLANNING & ENFORCEMENT HISTORY**

- 2.1 05/01254/FUL - construction of agricultural building. Permission refused 23/8/2005 for the following reason:
“The proposed development is contrary to the Hambleton District Wide Local Plan Policy EM15, L11 and L14 due to the harm that would be caused to the landscape by virtue of the height and bulk of the proposed agricultural building and the lack of appropriate landscaping proposals to restore the landscape to its former condition and to appropriately screen the new building from the surrounding countryside.”
- 2.2 08/00948/APN - application for prior notification for the construction of a storage building for keeping straw dry. No objections 14/5/2008.
- 2.3 10/02961/FUL - Construction of an agricultural storage building and hardstanding. Permission granted 8/3/2011
- 2.4 11/01483/FUL - Retrospective application for the construction of an agricultural weighbridge, associated hardstanding and control portacabin. Permission granted 8/9/2011 subject to the following condition:
“The weighbridge hereby approved shall not be a Public Weighbridge, it shall only be used in connection with the farming operation undertaken at Rose Cottage and the Mount Pleasant Farm, Crayke and shall not be used in connection with any other farming activity or separate commercial enterprise without the prior written consent of the Local Planning Authority.”
- 2.5 11/02736/FUL - Construction of an agricultural building for the storage and housing of a grain dryer. Permission granted 2/8/2012. This is the application to which this application relates.

2.6 13/01668/CLE - Application for certificate of lawfulness for the installation of fans in an agricultural building that forms part of a working farm that specialises in the production of grain. Certificate refused 28/1/2014. Allowed on appeal 20 May 2015.

3.0 **RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 **CONSULTATIONS**

4.1 Parish Council - unanimous in refusing the subject Planning Application with the following comments:

It was considered that the existing wording of the condition in question is unsatisfactory and the Parish Council would not approve complete removal but required to see any proposed revised wording. As no alternative wording was provided it was not possible to properly evaluate the requested change and complete removal of the condition was not acceptable.

4.2 NYCC Highways - The applicant has submitted transport information detailing traffic movements associated with the operation of the weighbridge and grain dryer. I have assessed the information and consider it to be satisfactory. The applicant has proposed a revised wording of the condition number 3 including reference to the weighbridge being private. Provided that the weighbridge remains as a private operation for the applicant's farm business, the Local Highway Authority has no objection to the proposal.

4.3 HDC Environmental Health Officer - The variation refers to the grain dryer building, which has conditions controlling the hours of operation of the fans and noise levels on the planning approval. I therefore, have no objections or recommendations to the proposed variation.

4.4 Howardian Hills AONB Manager - makes the following comments (generic to both applications):

- Provided that the LPA is satisfied that the proposal would not amount to a significant change from the current level of usage, then I don't have any observations to make. If it is felt that traffic movements would increase then potential impact on the tranquillity of the AONB would need to be considered.
- I'm not convinced however that the removal of all wording that prohibits the use of the dryer as a separate commercial enterprise is desirable. I also feel that suitable wording could be crafted to address not only the understandable desire of the applicants to reflect modern farming practices but also the needs of the LPA in terms of placing an appropriate restriction on operations. Although by no means an expert

in this area, I would suggest something like "Any grain dryer located within the building hereby approved shall only be used as part of the farming operation (undertaken by the occupier of Rose Cottage and Mount Pleasant Farm, Crayke or on any other land farmed under any arrangement by the same occupier) for produce produced on the said land, and shall not be used in connection with a separate commercial enterprise."

- The new Transport Information presented gives precise details of the tonnages, vehicles and movements that are associated with the applicant's land that supplies the drier. In one sense these statistics could appear to paint a very stark picture. I'm sure that somewhere in the application documentation for the drier building there are figures for the vehicle movements that occurred when Rose Cottage only had a mobile drier and limited storage facilities. Prior to the construction of the grain stores and drier buildings I suspect that most of the movements from the fields at harvest time were by tractor and trailer, with batch-drying and almost immediate sale off-farm via 25t HGVs. Because these numbers of vehicle movements were unlikely to have been recorded it is very difficult to put the new figures into context.
- On the face of it the current situation may not be substantially different from that which was occurring prior to the construction of the stores and drier buildings, dependent upon whether significant areas of new land have been taken on under some form of 'contract farming' arrangement since their construction. It could be argued that it is legitimate business growth for the applicant to take on more land and expand say a contract harvesting operation, utilising the new drying and storage capacity at Rose Cottage. The key question however is whether the facilities are in a location that allows this to be done sustainably.
- I would therefore wish to register serious reservations with the application as it stands. A commercial grain-drying operation could potentially suck-in large quantities of grain from the surrounding area, with the attendant HGV and tractor/trailer movements. The variation as proposed would impose no limit on the number of vehicle movements, a significant proportion of which could potentially come from the east through the Howardian Hills AONB.

4.5 CPRE - concerned about the probable increase in the number of heavy grain lorries. Neither route is suitable for an increase in heavy traffic. Any restrictions on the number of heavy lorries would be very difficult to enforce. Developments such as this can grow and become much larger and unacceptable. There needs to be enforceable restrictions to prevent this development growing out of control.

4.6 Site notice/local residents - a total of 32 objections have been received. These relate to:

- The number of heavy good vehicles using the roads in the vicinity and the industrialisation of the locality. The roads are not capable of accommodating increased HGV usage.
- The effect of this is increased air and noise pollution, damage to road surfaces and vibration to the houses.
- Increase chances of an accident
- The concern is particularly regarding the number of vehicles travelling along Uppleby in Easingwold and past the village school in Crayke
- Increased produce will result in increased noise from other activities at the site such as the fans on the grain store
- If this plant is used as a contract drying facility my concern is that there will be a massive increase of heavy traffic using the unsuitable roads in Easingwold, namely Uppleby, Back lane, Church Hill and the Market Place
- If, as seems likely, the applicant is only a contractor on part of the 569.39 hectares, grain produced on this land is specifically excluded from the Planning Permission
- HDC was advised by the applicant's agent at the time that: traffic movements would be in the region of 2 to 3 per week, i.e. 100 to 150 per year; and Carter Jonas

(appointed by HDC) agreed with this estimate. The agent went on to say that objectors' estimates of 200 in the summer were outrageous, ridiculous and misleading. It is now clear that objectors' estimates were, if anything, on the low side.

- The supplementary transport information document now provided refers only to grain produced by the applicant. It takes no account of additional traffic movements and noise associated with use of the grain dryer by other farmers and thus is irrelevant to the core objections raised by most of the respondents to the original application. The restriction specified in condition 3 should be retained
- CAP payments to the farm support about 390 acres which leaves about 1,000 acres subject to "contractual arrangements" as he describes them in his application. This is exactly the commercialisation of the farm that I believe the Committee was trying to prevent.
- During discussions with planning officers the applicant redacted certain traffic information once he was told that it would be made public. We can only speculate on the reasons for wishing it kept private. His current estimates of activity of 700+ vehicle movements (1,400 movements through the roads) a year is 400% more than he included in his submissions in 2012 (2 rising to 3 movements on average per week (Chris Chubley letter 11 February, 2012)). My concern is not just limited to this excessive activity but what happens next. Will there be more development applications and how will the Council control further increases in vehicle activity if they are seen to capitulate on their previous conditions?
- As a matter of principle and democracy it seems to me to be fundamentally wrong to "regularise" or retrospectively approve activity that was previously expressly restricted and rejected by the planning Committee, and therefore probably illegal.
- The capacity quoted in these pages for the dryer is 25 tonnes per hour. At a 240 days per year of 8 hours (the original application quotes 12hours) the capacity is 48000 tonnes pa i.e. 1920 inward and 1920 outward 25 tonne (more conservative than the traffic consultant's figure) artic vehicle movements pa. Some of this possible increase would use Church Hill. Probably seasonality would reduce this but it is January and grain artic movements are still using Church Hill. Some addresses on the vehicles are in Scotland so the impression is that the dryer is becoming a big commercial operation. Please note that there is no objection to the original planning approval for traffic associated with the farm as described in the traffic consultant's report.

4.7 A total of 19 letters of support have been received, which relate to the following:

- To allow the business to grow and thrive and will result in more employment opportunities for local people.
- The use by other farms would allow smaller farms to maximise the value of their crops.
- The area remains primarily an agricultural area.
- The farmer needs to be allowed to move forward; farming constantly evolves as the world market shapes what we need to produce. Changes need to happen to make farming businesses function, grown and flourish.
- Local farms can't afford drying equipment of their own and so have to transport their produce several miles to sites that provide this service, which involves many tractor journeys.
- If there were drying facilities in the Crayke area I believe there would be a reduction in traffic volume as journeys would be shorter, meaning less disruption on the roads and a saving for farmers.
- attempting to make the agricultural activity more flexible and less controlled seasonal demands.
- The villages are becoming dormitory or commuter residences causing an increase in daily traffic movements to and from i.e. shops, school, work, plus the home delivery services.

- employs local labour, who in turn spend locally supporting local business. Their children will then go to local schools this being the lifeblood of rural communities.
- Financial commitment to the farm and area.
- There is significantly less farm traffic now than in the past when the area was a concentrated producer of sugar beet, potatoes and milk.
- The road from Crayke to Easingwold is a well-known through route between Malton and Easingwold and the A19; not only for any visitors to Rose cottage but for many other agricultural and commercial companies and businesses in the area and also for the increasing number of residential vehicles.
- placing unreasonable conditions on Mr Dawson at Rose cottage will unfairly prevent him from running his farm as a commercial enterprise. Why should he be penalised? Similar farms undertaking similar activities in the local area and nationally seem to not have had similar restrictions applied. It would be my view that small businesses should be encouraged to develop commercial enterprises which ultimately bring employment to the local community.

- 5.0 **OBSERVATIONS**

- 5.1 The condition was imposed to restrict the use of the grain dryer to the agricultural business associated with the Rose Cottage/Mount Pleasant Farm enterprise. This was to ensure that the operation of the business remained commensurate with the scale of the farming enterprise associated with Rose Cottage; it was not the intention of the condition to restrict the expansion of the Rose Cottage business. The applicants are within their rights to apply for permission to alter their business and it is not the role of the LPA to refuse permission solely because there may already have been a breach of planning control. After the determination of this application the Council can consider whether any enforcement action is possible or appropriate.
- 5.2 The LPA considered the original application in 2012 based on the information that was presented at the time; concluding that the proposed building and its use were acceptable subject to restricting the operation to the business run at Rose Cottage and Mount Pleasant Farm. At the time concerns were raised at the capacity of the grain dryer, however it is not the role of the LPA to dictate the amount of investment that a business should make in its machinery or facilities or whether it is appropriate economically. The future intentions of the applicant are not the consideration of the Planning Authority.
- 5.3 The report prepared on behalf of the Council by Carter Jonas in 2012 concluded the following:
 - The size and scale of the proposed agricultural building for the housing of a grain dryer and associated is of reasonable capacity to service the business and its anticipated growth over the immediate future
 - The realistic alternative to drying on site would lead to transporting moist grain to a larger commercial facility, such as Argrain at Raskelf for example, with an associated requirement for this to then be brought back on site in order to utilise the recently constructed store. This would obviously lead to a substantial increase in handling and transport by both tractor & trailer or HGV, particularly along the local road network.
 - The size of the building which is intended to accommodate a dryer with associated intake pits and storage bays is of reasonable capacity to service the business and its anticipated growth over the immediate future.
- 5.4 Paragraph 28 of the NPPF requires planning policies to support economic growth in rural areas and to support the sustainable growth and expansion of all types of business and enterprise. The principle of allowing the growth and expansion

of the business is therefore acceptable. It was always understood that the number of movements may increase as the business expanded; the aim of the planning condition when imposed, was to restrict this to the vehicle movements associated with the business operating on land associated with the Rose Cottage enterprise. The difference between that intention and what is currently proposed is to allow the drying of grain from land that does not lie within the ownership or tenancy of the applicant.

- 5.5 The reason for imposing the condition in 2012 relates to two issues: the effect on the amenity of local residents and highway safety. The LPA has to consider, as part of this application, whether these concerns remain valid.

Issue one - effect on amenity

- 5.6 The impact on local residents includes consideration of the effect of the vehicle movements on amenity and the noise resulting from the dryer itself. The Environmental Health Officer has no objections to the proposed alteration of the condition as other controls remain regarding the noise impact of the dryer. There is no planning control over the use of the fans attached to the grain store and therefore if more produce is dried, then more will be stored and the fans may operate for longer causing a greater impact on amenity as a result of noise disturbance. This is therefore a material consideration.
- 5.7 It is not the role of the LPA to prevent the expansion and reasonable growth of a business activity but it is the LPA's role and reflected in the wording of LDF Policies CP1 and DP1 to "adequately protect amenity" to ensure that such activities do not adversely affect matters of acknowledged importance such as highway safety and residential amenity. The condition as proposed to be amended would not allow the Local Planning Authority any control over the use of the grain dryer building. Requiring records to be kept and inspected would not provide the LPA with any control over its operation and no action could be taken unless it was in respect of the keeping of the records themselves no matter what the records suggested in terms of numbers of vehicles. Accordingly the proposed condition would not provide a means for the LPA to "adequately protect amenity" and would be contrary to the objective and wording of Policy DP1.
- 5.8 The retention and enforcement of the existing planning condition would prevent the use of the grain dryer building by the general farming community (those farms that do not form part of the Rose Cottage enterprise). The farm currently operates (and whether it was always the applicants' intention to do so is not relevant) with commercial agreements with other farmers (contract farming). It is a matter for the Courts to determine whether the arrangement of contract farming is in compliance with the requirement of the existing planning condition.

Issue two – highway safety

- 5.9 The numbers of vehicle movements set out to be generated by the development is noted within supporting Transport Statement and it suggests that it is not unreasonable for the local transport network to cope with this level of usage and this is endorsed by the Highway Authority. The wording of the condition would retain the reference to the private operation of the weighbridge, thereby precluding its use as a public weighbridge but the variation of the condition would allow unrestricted access to users beyond the land farmed (the 569.39 hectares) as referred to in the Statement. This would allow further increases in the contract farming undertaken by the applicant thereby continuing to increase the number of hectares serviced by the drier and, as a result, vehicle movements.

- 5.10 It is considered important that a restriction is retained on the use of the grain dryer building; if unrestricted as proposed, there would be no limit on the number of users and therefore no limit on the frequency of vehicle movements. The worst case scenario being a 24 hour operation with a constant stream of HGVs at the site and, although the capacity of the grain dryer within the building would provide a some practical restriction to the use of the weighbridge for drying grain. The grain drying equipment could be upgraded in the future to a more efficient machine that could increase capacity without the need for further planning permission. It is considered that an unrestricted site would give rise to increases in vehicle movements that would ultimately result in a loss of highway safety as the potential for large vehicles needing to pass on relatively narrow country roads increases. A loss of highway safety through the relaxation of the condition would be contrary to the LDF Policies CP1, CP2, DP3 and DP4.

Alternative wording of conditions

- 5.11 One alternative to the suggested re-wording includes the possible use of a location plan in order to tie a specified area(s) of land from which the crops are brought to the dryer. The applicant considers this not to be an option as there would be no certainty that the land farmed would remain fixed to the location plan and there could be variations on an annual basis therefore requiring an annual submission of a revised planning application.
- 5.12 A planning condition that sought to control the routes of the vehicles to and from the site would be so difficult to enforce that it would fail the tests of enforceability required of a planning condition.
- 5.13 None of the conditions imposed on the grain dryer application restricted numbers of vehicles as this was a figure that could only be anticipated and not fixed.
- 5.14 The noise resulting from the fans attached to the grain store is not directly relevant to this application. A decision from the Planning Inspectorate following an appeal has now been made, which confirms that planning permission is not required for the fans that have been installed. Any potential noise nuisance is a matter to be addressed by Environmental Health regulations. .
- 5.15 All other matters raised in representations have been considered but do not alter the balance of issues in this case. Whilst it was not the intention of the decision of the LPA to prevent the Rose Cottage Farm business from being able to expand, the variation of the condition as proposed would allow unrestricted vehicle movements, which is not appropriate in this location and refusal of the application is therefore recommended.

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

1. The variation of the planning condition as proposed could significantly increase vehicle movements to and from the site to the detriment of local residents as a result of noise and general disturbance and to highway safety. The proposal would be contrary to LDF Policies CP1, CP2, DP1 , DP3 and DP4.

Parish: Crayke
Ward: Easingwold
4

Committee Date : 31 March 2016
Officer dealing : Mrs H M Laws
Target Date: 4 May 2015

15/00471/MRC

**Removal of condition 4 of planning permission 11/01483/FUL requiring the weighbridge to be used for farm operations only.
at Rose Cottage Crayke North Yorkshire YO61 4TJ
for Mr G & R Dawson.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Rose Cottage agricultural enterprise lies in open countryside to the west of Crayke, north of the Easingwold Road and outside of the Howardian Hills AONB by approximately 200m. The site comprises several farm buildings including a grain store and a weighbridge and a grain dryer building, the latter of which was granted planning permission in August 2012. The dwelling known as Rose Cottage is not related to the farm business and is occupied independently by a family member. The enterprise at Rose Cottage operates as G&R Dawson, which also operates from Mount Pleasant Farm, which lies approximately 500m to the north east of Rose Cottage and is tenanted.
- 1.2 The farm is stated to operate over 569.39 hectares of arable land, approximately 40% of which lies to the west of the farm, 28% to the east, 25% to the north and 7% to the south. This land includes owned, tenanted and contract farmed land.
- 1.3 The planning application relates to the weighbridge. Permission was granted subject to conditions relating to landscaping and illumination. The following condition was also included:
- “The weighbridge hereby approved shall not be a Public Weighbridge, it shall only be used in connection with the farming operation undertaken at Rose Cottage and the Mount Pleasant Farm, Crayke and shall not be used in connection with any other farming activity or separate commercial enterprise without the prior written consent of the Local Planning Authority.”
- 1.4 The reason for the inclusion of this condition is as follows:
- “For reasons of highway safety and residential amenity in accordance with LDF Policies CP1, CP2, DP1 and DP4.”
- 1.5 The application wishes to remove the condition. It is not the intention of the applicant to use it as a public weighbridge.
- 1.6 The reasons for requesting the amendment is to allow grain to be dried from farmers connected to G&R Dawson as part of a 'profit sharing' business whereby one farmer provides the land and another plants and harvests the crop, which requires the use of the weighbridge. If G&R Dawson is working the land but the land is not within their ownership then any crop dried and weighed at Rose Cottage would be in breach of the condition. It is understood that this activity is ongoing and therefore likely to be an existing breach.
- 1.7 There is no planning restriction attached to the previously approved grain store at Rose Cottage.

- 1.8 A Transport Statement has been submitted in support of the proposed variation, which provides details of the expected numbers, direction, timings and seasonality of vehicle movements and size and weight of vehicles. The Statement assumes an average provision of 8.75 tonnes of grain per hectare and the calculation is based on the use of 25 tonne lorries and 12 tonne tractor and trailers. This results in a total of 102 lorries and 210 trailers transporting the 5070 tonnes of grain to the farm (119 from the Easingwold direction and 90 through Crayke), most of which occurs between mid-July and October each year.
- 1.9 Grain produced by Rose Cottage is delivered to seven mills in the region by 25 tonne lorries at any time of the year. This generally equates to 130 movements westwards and 73 movements eastwards.
- 1.10 Information has been provided by the applicant to suggest that historically, the number of vehicle movements from the farm were high. The farm had a contract for 5000 tonnes of sugar beet, which was sold to a processor in York with all vehicles going through either Easingwold or Crayke. Other crops, such as potatoes would also have been transported from field to farm.

2.0 **PLANNING & ENFORCEMENT HISTORY**

- 2.1 05/01254/FUL - construction of agricultural building. Permission refused 23/8/2005 for the following reason:
 “The proposed development is contrary to the Hambleton District Wide Local Plan Policy EM15, L11 and L14 due to the harm that would be caused to the landscape by virtue of the height and bulk of the proposed agricultural building and the lack of appropriate landscaping proposals to restore the landscape to its former condition and to appropriately screen the new building from the surrounding countryside.”
- 2.2 08/00948/APN - application for prior notification for the construction of a storage building for keeping straw dry. No objections 14/5/2008.
- 2.3 10/02961/FUL - Construction of an agricultural storage building and hardstanding. Permission granted 8/3/2011
- 2.4 11/01483/FUL - Retrospective application for the construction of an agricultural weighbridge, associated hardstanding and control portacabin. Permission granted 8/9/2011 subject to the following condition:
 “The weighbridge hereby approved shall not be a Public Weighbridge, it shall only be used in connection with the farming operation undertaken at Rose Cottage and the Mount Pleasant Farm, Crayke and shall not be used in connection with any other farming activity or separate commercial enterprise without the prior written consent of the Local Planning Authority.”
- 2.5 11/02736/FUL - Construction of an agricultural building for the storage and housing of a grain dryer. Permission granted 2/8/2012. This is the application to which this application relates.
- 2.6 13/01668/CLE - Application for certificate of lawfulness for the installation of fans in an agricultural building that forms part of a working farm that specialises in the production of grain. Certificate refused 28/1/2014. Allowed on appeal 20 May 2015.

3.0 **RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 **CONSULTATIONS**

4.1 Parish Council - unanimous in refusing the subject Planning Application with the following comments:

It was considered that the existing wording of the condition in question is unsatisfactory and the Parish Council would not approve complete removal but required to see any proposed revised wording. As no alternative wording was provided it was not possible to properly evaluate the requested change and complete removal of the condition was not acceptable.

4.2 NYCC Highways - The applicant has submitted transport information detailing traffic movements associated with the operation of the weighbridge and grain dryer. I have assessed the information and consider it to be satisfactory. The applicant has proposed a revised wording of the condition number 3 including reference to the weighbridge being private. Provided that the weighbridge remains as a private operation for the applicant's farm business, the Local Highway Authority has no objection to the proposal.

4.3 HDC Environmental Health Officer - Previous comments made regarding the grain dryer are equally relevant to the weigh bridge in that Environmental Health would be concerned that the potential for the intensification of use could lead to further noise complaints relating to the fans on with the grain dryer..

4.4 Howardian Hills AONB Manager - makes the following comments (generic to both applications):

- Provided that the LPA is satisfied that the proposal would not amount to a significant change from the current level of usage, then I don't have any observations to make. If it is felt that traffic movements would increase then potential impact on the tranquillity of the AONB would need to be considered.
- I'm not convinced however that the removal of all wording that prohibits the use of the dryer as a separate commercial enterprise is desirable. I also feel that suitable wording could be crafted to address not only the understandable desire of the applicants to reflect modern farming practices but also the needs of the LPA in terms of placing an appropriate restriction on operations. Although by no means an expert in this area, I would suggest something like "Any grain dryer located within the building hereby approved shall only be used as part of the farming operation (undertaken by the occupier of Rose Cottage and Mount Pleasant Farm, Crayke or on any other land farmed under any arrangement by the same occupier) for produce produced on the said land, and shall not be used in connection with a separate commercial enterprise."
- The new Transport Information presented gives precise details of the tonnages, vehicles and movements that are associated with the applicant's land that supplies the drier. In one sense these statistics could appear to paint a very stark picture. I'm

sure that somewhere in the application documentation for the drier building there are figures for the vehicle movements that occurred when Rose Cottage only had a mobile drier and limited storage facilities. Prior to the construction of the grain stores and drier buildings I suspect that most of the movements from the fields at harvest time were by tractor and trailer, with batch-drying and almost immediate sale off-farm via 25t HGVs. Because these numbers of vehicle movements were unlikely to have been recorded it is very difficult to put the new figures into context.

- On the face of it the current situation may not be substantially different from that which was occurring prior to the construction of the stores and drier buildings, dependent upon whether significant areas of new land have been taken on under some form of 'contract farming' arrangement since their construction. It could be argued that it is legitimate business growth for the applicant to take on more land and expand say a contract harvesting operation, utilising the new drying and storage capacity at Rose Cottage. The key question however is whether the facilities are in a location that allows this to be done sustainably.
- I would therefore wish to register serious reservations with the application as it stands. A commercial grain-drying operation could potentially suck-in large quantities of grain from the surrounding area, with the attendant HGV and tractor/trailer movements. The Variation as proposed would impose no limit on the number of vehicle movements, a significant proportion of which could potentially come from the east through the Howardian Hills AONB.

4.5 CPRE - concerned about the probable increase in the number of heavy grain lorries. Neither route is suitable for an increase in heavy traffic. Any restrictions on the number of heavy lorries would be very difficult to enforce. Developments such as this can grow and become much larger and unacceptable. There needs to be enforceable restrictions to prevent this development growing out of control

4.6 Site notice/local residents - a total of 32 objections have been received. These relate to:

- The number of heavy good vehicles using the roads in the vicinity and the industrialisation of the locality. The roads are not capable of accommodating increased HGV usage.
- The effect of this is increased air and noise pollution, damage to road surfaces and vibration to the houses.
- Increase chances of an accident
- The concern is particularly regarding the number of vehicles travelling along Uppleby in Easingwold and past the village school in Crayke
- Increased produce will result in increased noise from other activities at the site such as the fans on the grain store
- If this plant is used as a contract drying facility my concern is that there will be a massive increase of heavy traffic using the unsuitable roads in Easingwold, namely Uppleby, Back lane, Church Hill and the Market Place
- If, as seems likely, the applicant is only a contractor on part of the 569.39 hectares, grain produced on this land is specifically excluded from the Planning Permission
- HDC was advised by the applicant's agent at the time that: traffic movements would be in the region of 2 to 3 per week, i.e. 100 to 150 per year; and Carter Jonas (appointed by HDC) agreed with this estimate. The agent went on to say that objectors' estimates of 200 in the summer were outrageous, ridiculous and misleading. It is now clear that objectors' estimates were, if anything, on the low side.
- The supplementary transport information document now provided refers only to grain produced by the applicant. It takes no account of additional traffic movements and noise associated with use of the grain dryer by other farmers and thus is irrelevant to the core objections raised by most of the respondents to the original application. The restriction specified in condition 3 should be retained

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- Financial commitment to the farm and area
- There is significantly less farm traffic now than in the past when the area was a concentrated producer of sugar beet, potatoes and milk
- The road from Crayke to Easingwold is a well-known through route between Malton and Easingwold and the A19; not only for any visitors to Rose cottage but for many other agricultural and commercial companies and businesses in the area and also for the increasing number of residential vehicles

- placing unreasonable conditions on Mr Dawson at Rose cottage will unfairly prevent him from running his farm as a commercial enterprise. Why should he be penalised? Similar farms undertaking similar activities in the local area and nationally seem to not have had similar restrictions applied. It would be my view that small businesses should be encouraged to develop commercial enterprises which ultimately bring employment to the local community.

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- 5.2 The LPA considered the original application in 2011 based on the information that was presented at the time; concluding that the weighbridge and its use were acceptable subject to restricting the operation to the business run at Rose Cottage and Mount Pleasant Farm.
- 5.3 Paragraph 28 of the NPPF requires planning policies to support economic growth in rural areas and to support the sustainable growth and expansion of all types of business and enterprise. The principle of allowing the growth and expansion of the business is therefore acceptable. It was always understood that the number of movements would increase as the business expanded; the aim of the planning condition when imposed, was to restrict this to the vehicle movements associated with the business operating on land associated with the Rose Cottage enterprise. The difference between that intention and what is currently occurring is that the Rose Farm enterprise is now operating on land that does not lie within the ownership or tenancy of the applicant.
- 5.4 The reason for imposing the condition in 2011 relates to two issues: the effect on the amenity of local residents and highway safety. The LPA has to consider, as part of this application, whether these concerns remain valid.
- Issue one - effect on amenity
- 5.5 The impact on local residents includes consideration of the effect of the vehicle movements on amenity.
- 5.6 It is not the role of the LPA to prevent the expansion and reasonable growth of a business activity but it is the LPA's role and reflected in the wording of LDF Policies CP1 and DP1 to "adequately protect amenity" to ensure that such activities do not adversely affect matters of acknowledged importance such as highway safety and residential amenity. If the condition is removed the Local Planning Authority would not have any control over the use of the weighbridge.
- 5.7 The retention and enforcement of the existing planning condition would prevent the use of the weighbridge by the general farming community (those farms that do not form part of the Rose Cottage enterprise) and by other industries. The farm currently operates (and whether it was always the applicants' intention to do so is not relevant) with commercial agreements with other farmers (contract farming). It is a matter for

the Courts to determine whether the arrangement of contract farming is in compliance with the requirement of the existing planning condition.

Issue two – highway safety

- 5.8 The numbers of vehicle movements provided within the supporting Transport Statement suggests that this is not unreasonable for the local transport network to cope with and this is endorsed by the Highway Authority. The removal of the condition would allow unrestricted access to users beyond the land farmed (the 569.39 hectares) as referred to in the Statement. This would allow further increases in the contract farming undertaken by the applicant thereby continuing to increase the number of hectares serviced by the drier and weighbridge and, as a result, vehicle movements.
- 5.9 It is considered important that a restriction is retained on the use of the weighbridge; if unrestricted as proposed, there would be no limit on the number of users and therefore no limit on the frequency of vehicle movements. The worst case scenario being a 24 hour operation with a constant stream of HGVs at the site. It is considered that an unrestricted site would give rise to increases in vehicle movements that would ultimately result in a loss of highway safety as the potential for large vehicles needing to pass on relatively narrow country roads increases. A loss of highway safety through the relaxation of the condition would be contrary to the LDF Policies CP1, CP2, DP3 and DP4.

Alternative wording of conditions

- 5.10 One alternative to the suggested re-wording includes the possible use of a location plan in order to tie a specified area(s) of land from which the crops are brought to the weighbridge. The applicant considers this not to be an option as there would be no certainty that the land farmed would remain fixed to the location plan and there could be variations on an annual basis therefore requiring an annual submission of a revised planning application. It is acknowledged that such an arrangement would be impractical for landowners and farmers alike and place a further burden on the local community, applicant and LPA to consider revised arrangements on an regular, probably annual, basis.
- 5.11 A planning condition that sought to control the routes of the vehicles to and from the site would be so difficult to enforce that it would fail the tests of enforceability required of a planning condition.
- 5.12 The conditions imposed on the weighbridge application did not restrict numbers of vehicles using the weighbridge as this was a figure that could only be anticipated and not fixed.
- 5.13 All other matters raised in representations have been considered but do not alter the balance of issues in this case. Whilst it was not the intention of the decision of the LPA to prevent the Rose Cottage Farm business from being able to expand, the removal of the condition as proposed would allow unrestricted vehicle movements, which is not appropriate in this location and refusal of the application is therefore recommended.
- 6.0 RECOMMENDATION:** that subject to any outstanding consultations the application be **REFUSED** for the following reason:
1. The removal of the planning condition as proposed could significantly increase vehicle movements to and from the site to the detriment of local residents as a result of noise and general disturbance and to highway safety.

The proposal would be contrary to LDF Policies CP1, CP2, DP1, DP3 and DP4.

15/02384/FUL

Construction of 143 dwellings, garages, car parking spaces, means of access/egress, POS, landscaping, land for primary school expansion and land for cemetery expansion. at Land East of Thirsk Road and Husthwaite Road, Easingwold for Linden Homes North And GBL Projects (Four) Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 143 dwellings with associated garages, parking and landscaping in addition to land for the expansion of Easingwold Community Primary School.
- 1.2 The application originally sought permission for 163 units but following revisions to address concerns about the layout, the need to protect views of the Listed Church on the southern boundary and also to allow for further expansion of the Easingwold Community Primary School the number of units has been reduced to 143.
- 1.3 This results in a density of 24 dwellings per hectare of which approximately 71 dwellings (50%) are identified for affordable use, the remaining dwellings being for private residential use. The tenure split of the affordable homes is to be 70% social rent and 30% intermediate tenure. The position of the affordable units has yet to be agreed.
- 1.4 The proposed dwellings are shown as predominantly two storeys in height, however there are eight bungalows proposed along the western boundary of the site. The proposed accommodation would provide a mix of two, three, four and five bedroom dwellings.
- 1.5 The majority of dwellings are proposed to be constructed using red-multi and buff-multi brickwork. Red/grey pantiles and concrete tiles are proposed throughout. Architectural detailing is relatively simple and includes: brick detail to the eaves, contrasting brick band courses, sash-style and casement windows. All dwellings would have private amenity space in the form of rear gardens. Many of the dwellings are shown with a single parking. Seven visitor spaces are shown and in the instances where two parking are provided these are tandem other than on Husthwaite Road frontage where a more generous arrangement is made.
- 1.6 A large area of open space measuring approximately 1,2992m² has been incorporated close to the southern boundary of the site for the expansion of the Easingwold Community Primary School. No land is being retained for the expansion of the cemetery as proposed under the original application.
- 1.7 Private defensible spaces would be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/recycling receptacles can be stored to rear of properties without difficulty.
- 1.8 The site is located on the northern edge of Easingwold, immediately to the east of Husthwaite Road. The site is to have a single access point from Husthwaite Road for both pedestrians and vehicles, with a 5.5m carriageway with 2m footpaths to both sides. The main spine road into the site would contain two internal loops again of

5.5m width with 2m footpaths either side. Access to properties would be gained from private drives.

- 1.9 The site covers an area of 6.08ha and is currently in agricultural use and consists of two open fields and a grazing area to the north. Close to the Husthwaite Road is an area currently used for agricultural storage and horticulture. A derelict and dilapidated red brick farm building and barn are located in this part of the site. The west and south western boundaries of the site are characterised by field hedgerows whereas the northern and southern boundaries display mature trees with sporadic mature plantings around the western edge adjacent to existing residential curtilages. The site also shares a boundary with the churchyard to the Grade 1 listed Church of St John and the Easingwold Conservation Area.
- 1.10 The adjacent land to the north and east also consists of open agricultural fields. A footpath connection to the south of the site is to be retained to provide linkage through to the Easingwold town centre. The site is relatively flat with only nominal gradients and changes in height across the site. The field boundaries are characterised by trees and hedgerows and there are also long views towards moorland to the north east from elevated parts of the site. No wildlife habitat survey has been submitted with the application to access the likely presence or impact on local flora or fauna.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP9a - Affordable housing exceptions
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all

DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP28 - Conservation of the historic environment
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Other Relevant Documents

Size Type and Tenure of New Homes SPD (2015)
Affordable Housing SPD (2015)

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 ETC would like the application to be considered through the democratic process and via the new local plan, when considering new sites for Easingwold.

Kyle and Upper Ouse Internal Drainage Board

- 4.2 Advise that the application relates to work near and discharging into a watercourse, therefore an application for works within the Drainage District will be required in addition to any landowner agreements for works, access and easements.

Historic England

- 4.3 HE provided initial advice on the original scheme for 163 dwellings (13 November 2015) in which it was recommended that consent be refused until the group of houses closest to the boundary with the Grade 1 listed Church of St John were omitted from the scheme. HE recommended that once the development had been revised in line with their initial comments then no objection would be raised on heritage grounds to the remaining dwellings.

NYCC Education

- 4.4 Advise that the proposed development does not provide sufficient land to ensure provision can be made for the additional children the development will generate. More particularly, it does not provide sufficient land for the school to cope with the expansion required for all the developments proposed in the Easingwold area.

- 4.5 Since the proposal effectively land-locks the school, it therefore means that, if approved in its current form, there will be a significant problem delivering the educational infrastructure required to cope with the permitted and proposed housing developments in Easingwold.
- 4.6 Easingwold Primary School currently has a net capacity of 315 places. The school's current total site area is 12,100m² and their current play area is 7,400 m². These areas are currently undersized. To meet the area guidelines in *Building Bulletin 103*, the Department for Education's statutory guidance for mainstream schools¹, there should be 14,894m² total site area and 13,022m² of play/open space.
- 4.7 It is not clearly specified how much land the Linden development is providing for school use. In an explanation on drainage, the application speaks of the school land being 0.375 hectares, or 3,750m². If that is the figure, the total site area would increase to 15,850m² and the playing field space would be 11,028m². Therefore, even for the current capacity, the playing field space will be approximately 2,000m² short of the BB103 area guidelines¹, when the Linden land is included.
- 4.8 The Linden Homes application would generate 41 primary children and to expand the school's net capacity proportionately would further increase the playing field shortfall, since the *BB103* recommended area would also increase. If all of the 747 known housing proposals are successful, 147 additional primary children would be generated. Once surplus spaces are taken out, the school's net capacity would need to increase to around 400 spaces.
- 4.9 This would require, according to *BB103*, a total site area of 17,282m² and the playing field area would need to be 15,120m². The additional land provided by the Linden development would still leave around a 4,000m² shortfall of playing field space.
- 4.10 In the context of the school site becoming land-locked a larger piece of land from the Linden development would be required in order to be able expand the school's capacity appropriately. Without it the scheme will be unsustainable as it will not be possible to add the appropriate number of school places. In addition, *Section 77²* of the *Schools Standards and Framework Act 1998*, which extends the requirement to ask for Secretary and State consent to dispose of school playing field, to now include consent required for change of use of "open space", eg building a classroom, would apply. It is unlikely that we could secure consent under *Section 77²* for constructing additional accommodation on the current playing field land (or on open land) in the context of an existing shortfall which would be significantly exacerbated by the application.

Footnotes:

1. *Building Bulletin 103: Area Guidelines for Mainstream School* (BB103) is the Department for Education's statutory area guidelines for school buildings (Part A) and sites (Part B) for all ages from 3 to 19. The document was written in 2014 and updated on 4 March 2015.

BB103 supersedes the separate area guidelines for primary and secondary school in Building Bulletins 98 and 99, with reduced recommended areas. The minimum gross area in *BB103* averages 15% lower than recommended in *BB98* and 6% lower than *BB99*.

A link to the document is found at:

<https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

2. *Section 77 of the Schools Standards and Framework Act 1998* describes the main circumstances when relevant bodies need to seek the consent of the Secretary of State for Education to dispose, or change the use, of land used by schools, including playing fields. It extends the requirement to ask for Secretary of State consent to include change of use of playing field, e.g. extending the school building, when “playing field” is defined very broadly as any land in the open air, excluding school building and car parks.

A link to the document is found at:

<https://www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice>

- 4.11 Given all the above we have to object to this development and possibly other housing proposals in the Easingwold area on infrastructure grounds.

HDC Leisure Services Officer

- 4.12 Policy DP37 recommends that amenity green space and play areas for children be provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in Easingwold.
- 4.13 There is no other accessible public open space in the vicinity, which strengthens the case for POS being provided on site. Even with some provision other existing or proposed sites in the vicinity of this site, children would have to cross Thirsk Road.

NYCC as Local Lead Flood Authority - Drainage

- 4.14 Advise there is insufficient information submitted with the application to demonstrate a suitable SuDS scheme for the scheme.

Yorkshire Water

- 4.15 YWS has no objection in principle subject to drainage conditions being imposed.
- 4.16 Foul sewage – The development will not have a detrimental impact on the local receiving sewerage. The new properties would pass through an existing sewage pumping station that has sufficient capacity to accommodate the development. Therefore, whilst the pumping station will probably operate more frequently, the volume of foul flow passing through the network at any one time will not increase.
- 4.17 Surface water drainage - The public sewer network does not have capacity for any surface water from this site. However, the submitted Flood Risk Assessment (prepared by ARP Associates – Report dated October 2015) confirms that a watercourse exists to the north of the site that will be utilised for surface water disposal.

Highway Authority

- 4.18 Recommend that Tempo calculations sheets for traffic assessments and speed data for access be submitted.
- 4.19 Pedestrian link to Church Hill appears only to extend to the edge of the Cemetery how is this going to be extended to Church Hill? This link is an important part of the development making it more sustainable.
- 4.20 To provide footway improvements on:-

- a. Church road and Church Avenue towards the market place
- b. Thirsk Road - improve and widen footway to primary school
- c. Husthwaite Road – new footway along front of development with street lights

- 4.21 Surface water drainage required on Husthwaite Road due to new footway.
- 4.22 Loop roads need to connect to provide an emergency access.
- 4.23 Transition road at start of site needs to be 6.5m wide.
- 4.24 Tracking info required to show pumping station is accessible to large vehicles.
- 4.25 All trees need to be planted at least 2.5m from back of highway
- 4.26 Visitor parking needs to be provided on main road through the site, existing parking is too remote.
- 4.27 Parking on site should provide sufficient spaces for dwellings and it should be noted that NYCC car parking standards are a minimum.

Police Architectural Liaison Officer

- 4.28 Recommendation 1 - There are 42 houses which share a communal footpath giving access to the rear of several houses. Where this is the case there should be a lockable gate at the front of the building line so that anyone trying to force or climb that gate will be seen by the neighbours adjacent or opposite.
- 4.29 Recommendation 2 - that the layout of the houses mentioned above be re-designed so each have their own footpath which can be locked with a 1.8m high gate positioned at the front building line.
- 4.30 Recommendation 3 – if the Public Open Areas (POAs) are to be used to facilitate a Play Area I would recommend that the following guidelines be adopted.

The Local Play Area (LAP) should be designed for a certain age limit and conform to the following criteria. - Play areas are split into either a LEAP (Locally Equipped Area for Play - children 4yrs to 8yrs), or a NEAP (Neighbourhood Equipped Area for Play- 8yrs and upwards).

Publicity

- 4.31 The application was advertised in the local press, by site notice and directly to the neighbouring residents. 76 representations and a petition with 269 signatures against the development have been received to date that are summarised below:
 - a) Amenity
Noise, dust, privacy, overlooking
Loss of privacy due to increased use of path to the rear of Gill Croft dwellings.
 - b) Highways
Capacity, safety, conflict with rural traffic, pedestrians, runners, riders and cyclists on Husthwaite Road and hazard to children at Easingwold Primary School
Lack of parking in the town centre
Poor surface maintenance
Lack of access for emergency services
Route of path passed the church is without footways for the route to the town centre.

- c) Design
 High density development out of keeping with surroundings
 Harm to the setting of the Easingwold Conservation Area
 Fails to respect setting of historic Listed church
 Design is inferior to that shown at the pre-application consultation
 Lack of clarity of relationship of scheme with the proposed extended cemetery
 Roofs do not align south to achieve maximum solar gain as claimed
 Overdevelopment of the site
 Cumulative impact on the character of Easingwold
- d) Landscape
 Loss of open landscape
 Loss of productive agricultural land
- e) Infrastructure
 Lack of capacity at Doctors, Dentists and Schools, petrol filling station
 Drainage sewage and surface water overloaded network capacity
 The rate of growth of Easingwold is too high, sprawl without commensurate social infrastructure
 Drainage routing (via Gill Croft Court) is inappropriate and unproven
 Increased flood risk to south Easingwold
- f) Employment
 Lack of employment opportunities
 Impact on existing businesses
- g) Agriculture
 Loss of productive agricultural land
 Hedgerows will be destroyed as a result of the development
- h) Biodiversity
 Lack of consideration of impact on wildlife (birds of prey)
 Impact upon newts
- i) Policy
 Site is outside Development Limits
 The site is not allocated for development and should be resisted

5.0 OBSERVATIONS

5.1 The main issues to be considered are as follows:

- (a) Whether the proposed development is required to improve the supply of land for housing;
- (a) Whether the proposed arrangements of housing meet local affordable housing needs and whether the mix of housing meets identified needs by size, type and tenure;
- (a) Whether the development will lead to, or exacerbate flooding;
- (a) Whether the development will cause harm to the setting of a Listed Building and/or the setting of the settlement of Easingwold;
- (a) Whether the development will cause harm to the amenity of neighbours;
- (a) Whether the existing or proposed educational infrastructure could accommodate the growth required to meet the needs of the development;
- (a) Whether the development will exceed the capacity of the infrastructure of the town; and

- (a) Whether the proposal is a sustainable form of development in the terms of the NPPF.

The supply of land for housing

- 5.2 The relevant policies for the determination of applications are set out above. It is noted that the LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 The application site is not currently an allocated site for housing within the Allocations DPD and is currently used as agricultural land.
- 5.4 The accompanying Design and Access Statement seeks to advance a case for development based on the lack of a five years land supply and the need for sustainable development as encouraged by the NPPF. If it was found that there was less than a five year land supply in the District then the NPPF tells us that policies in the LDF that are to do with regulating the supply of land for housing may be out of date.
- 5.5 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.6 In order to calculate the current 5 year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.7 Over five years this produces a need for 1,370 dwellings ($274 \times 5 = 1,370$). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog for the District to be added to this requirement.
- 5.8 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.9 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.10 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.11 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.

- 5.12 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.13 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.
- 5.14 Policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) and through the terms of CP4 planning permission can be granted in accordance with LDF policies where one or more of six exceptional circumstances are met. In this case it is found that the site is not necessary to meet any of the six exceptional circumstances of policy CP4 and no support can be given to the proposals by this LDF policy.
- 5.15 Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) 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".
- 5.16 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. The provisions of the IPG apply to villages; market towns are not included within the scope of the guidance. Accordingly the proposal cannot benefit from the provisions of the IPG.

Affordable Housing and Market Housing mix

- 5.17 Developments in Easingwold of 15 or above dwellings trigger a requirement for a 50% affordable housing contribution. This proposal is for 143 dwellings and the developer is offering 71 affordable homes (50%). This satisfies the Council's policy requirements for 50% affordable housing.
- 5.18 To meet the Council's affordable housing requirements the dwellings must be of a size that meets the Council's minimum standards or at least the nationally Described Space Standards, the dwellings must be transferred to a Registered provider at the Council's agreed Transfer price. The transfer prices and space standards are set out below alongside the Nationally Described Space Standards against which the Council benchmarks all new homes.
- 5.19 Hambleton District Council Minimum Space Standards

Unit Type	Minimum Space Standard
1 bedroom	50m ²

2 bedroom	70m ²
3 bedroom	90m ²
4 bedroom	110m ²

National Described Space Standards

No of bedrooms	No of person/s	1 storey dwelling	2 storey dwelling	3 storey dwelling	Built-in storage
1	1	39m ²			1.0 m ²
1	2	50m ²			1.5 m ²
2	3	61m ²	70m ²		2.0 m ²
2	4	70m ²	79m ²		2.0 m ²
3	4	74m ²	84m ²	90 m ²	2.5 m ²
3	5	86m ²	93m ²	99 m ²	2.5 m ²
3	6	95m ²	102m ²	108 m ²	2.5 m ²
4	5	90 m ²	97 m ²	103 m ²	3.0 m ²
4	6	99 m ²	106 m ²	112 m ²	3.0 m ²
4	7	108 m ²	115 m ²	121 m ²	3.0 m ²
4	8	117m m ²	124 m ²	130 m ²	3.0 m ²

The affordable homes comprise the following:

Type	Size	Number
2 bed dwellings	69.67m ²	47
3 bed dwellings	93.93m ²	32

- 5.20 The 2 bed dwelling unit is 0.33m² below the Council's and Nationally Described Standard required size. Whilst 0.33m² may be considered a small amount failure to achieve these standard can result in unacceptable cramped living conditions and refusal of an application for failure to meet the required standards can be justified.
- 5.21 This mix proposed meets the advice we have been given by our Registered Provider partners that the need is for smaller size properties (2 and 3 bedroom houses)
- 5.22 The tenure split of the affordable homes is proposed to be 70% social rent and 30% intermediate tenure unless there is evidence to support an alternative tenure split that is supported by the Registered Provider and agreed with the Housing and Planning Policy Manager. This meets the position set out in the most recent Supplementary Planning Document (SPD) relating to affordable housing as supported by the SHMA.
- 5.23 To accord with policy and affordable housing SPD advice the affordable homes should be dispersed across the site in clusters of no more than six to eight dwellings. The level of dispersal is not acceptable. In particular, plots 76-89 need to include some market housing and the 'swapped' affordable units moved to another area of the site. Similarly, there are other opportunities in the north east quadrant of the site to improve the level of dispersal where there is an over-concentration of affordable housing units.
- 5.24 The developer will be required to transfer the affordable homes to a Registered Provider at the Council's agreed Transfer Price set out in the SPD.

Size	Transfer Price
1 bedroom	£50,200
2 bedroom	£65,200
3 bedroom	£79,200
4 bedroom	£84,200

5.25 The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.

5.26 There is evidence to support the following market mix on larger market sites across Hambleton and in September 2015 the Council adopted a Size, Type and Tenure of New Homes SPD setting out these targets

- 10% one bedroom homes;
- 60% two & three bedroom homes; and
- 10% two bedroom bungalows

5.27 The proposed mix for the market element of this scheme is as follows:

- 14 (19%) 1-bedroom flats
- 14 (19%) 2-bedroom dwellings
- 0 (0%) 3-bedroom dwellings
- 44 (62%) 4-bedroom dwellings

5.28 The Council seeks to provide housing across all tenures that offers good space standards. It uses the National Described Space Standards as a tool to benchmark against. Following feedback the developer has revised the house-types to improve standards.

5.29 The proposed dwellings have been compared to the standards and now only the following bungalow falls below the Hambleton standard on 70m2. The Council's standard does not distinguish between bungalows or two storey properties. The National standard does distinguish between single and two storey two bedroom properties and in each case the "WI type" bungalow is substantially below the required standards. The scheme is therefore in breach of the requirements of DP13 and as set out in the Size, Type and Tenure Supplementary Planning Document.

Type	Number of dwelling type	Size	Hambleton Standard	National Described Space Standard (minimum)
WI bungalow	14	56m2 603sqft	70m2	61m2

5.30 The large proportion of bungalows (19%) is welcomed as this should improve the housing offer for older people and people with limited mobility. Similarly the provision of some one-bedroom flats for sale should offer more affordable accommodation for singles, couples and first time buyers. However, there is substantial concern that the mix of market dwellings does not accord with the requirements of the SPD as there is a substantial under provision of three-bedroom dwellings. To meet the needs identified in the Strategic Housing Market Assessment (SHMA) the high proportion of four-bedroom units must be reviewed and the mix improved to include many more three-bedroom homes that would be affordable to young couples/ families. The proposal is therefore contrary to LDF Policy DP13 that seeks to achieve and maintain the right mix of housing.

Flooding

- 5.31 As a result of consultation, and in common with other development proposals in Easingwold, drainage is a very substantial issue of concern to all involved. The provision of a drainage system that is capable of accommodating foul water and surface water flows from the site whilst also dealing with issues of flooding is critical to the acceptability of this proposal.
- 5.32 Reports have been supplied by the developer to explain the means of providing foul sewage disposal and the measures proposed have not resulted in any objection from Yorkshire Water or the Environment Agency. However as noted in section 4 the details supplied have been found to leave many questions of the Local Lead Flood Authority relating to the "SuDS" (Sustainable Drainage System) unanswered as such at this stage it cannot be shown that the proposal provide an adequate system of surface water drainage.

Heritage assets

- 5.33 The initial proposals for the site included housing at the southern end of the site and objection was raised by Historic England to the impact of the development on the setting of the Grade 1 Listed Church. Through the amendments to move the housing away from the church, resulting a 20 dwelling reduction in the size of the scheme the objection of Historic England has been withdrawn.
- 5.34 It is considered that the scheme will not cause harm to any other heritage asset and that the proposal will not breach the terms of LDF Policy CP16.

Landscape impact and the setting of the settlement of Easingwold

- 5.35 No Landscape and Visual Impact assessment has been submitted with the application, nor addressed within the Design and Access Statement. However it is considered following assessment on site that the application site is in a position that is not widely visible from public roads. The gently rolling landform on the northern side of the town is such that the development would not have severe or widespread visual impacts. The development proposals are made to enable the retention of the trees and hedgerows on the boundaries of the site. The buildings within the scheme are limited to a conventional two-storey dwelling height. These factors substantially reduce the potential for visual impact of the development from views outside of the town.
- 5.36 The location of the site, largely to the rear of residential property to the east of Thirsk Road, is such that the scheme would not result in a substantial change to the setting of Easingwold. The arrangement of residential estates to the sides of Thirsk Road (as seen on the Prospect Farm site), off Oultson Road (as seen at the former Claypenny Hospital site), off Stillington Road and off York Road (as seen on the Ward Trailers site and the site opposite Easingwold School) are a feature of the way that Easingwold has expanded over the last 20 years. The development of land off Thirsk Road would be a continuation of the pattern of development and as noted above due to the topography of the site would not have a substantial or harmful impact upon the character or setting of the settlement.

Amenity of neighbours

- 5.37 The development proposals would create new housing close to the boundaries with existing dwellings to the east of Thirsk Road, both dwellings on the cul-de-sacs and individual dwellings would be affected by new development adjacent to them. The new homes are proposed to be to the east and north of existing dwellings. None of the proposed dwellings would give rise to substantial harmful impacts on the amenity of existing homes.

- 5.38 The formation of access routes both pedestrian and vehicular would have a harmful impact upon neighbours due to the increase in noise and reduction in privacy. No details have been provided to show how the impacts on neighbours may be reduced or mitigated. Of particular concern is the loss of privacy that would occur to the dwellings on Gillcroft (Wheatfields and Church House) due to the routing of a pedestrian link from the development site to Church Hill via the unmade track to the west of the Church. The track currently provides a means of access from Church Hill to the land but there is no evidence of frequent use of the track and no public rights. The changes proposed in this application would enable frequent use by the public (or at least the residents of the new housing) and would provide substantial opportunities for overlooking in to what is relatively private space at the rear of the dwelling. Due to the change in levels between the garden and the track a substantial retaining wall has been formed. Providing fencing to prevent overlooking would result in a high structure that may have a further harmful impact upon the amenity of the occupiers of that dwelling.
- 5.39 The provision of the access route is desirable, as it creates a direct route for pedestrians from the site to the town centre that is shorter than a pedestrian route along Thirsk Road, would cause a loss of amenity to an existing dwelling contrary to the Policies CP1 and DP1 that seek to protect the amenity of neighbours.
- 5.40 The other concerns raised by neighbours regarding the loss of amenity are noted but are capable of being addressed by means of planning conditions should the application be approved.

Education

- 5.41 The comments of the North Yorkshire County Council Children' and Young People's Services are set out in section 4 of this report. It is noted that the size of the school land is currently insufficient to meet the target levels and that on the basis of the currently forecasts that include additional primary school children who will live on the consented schemes for housing in Easingwold results in insufficient classroom space. Whilst the number of dwellings proposed in this scheme have been reduced from 163 to 143 the shortfall in school spaces still exists.
- 5.42 Whilst the application proposes extension to the school land this does not address the shortfall in school places that is forecast to occur by the academic year 2019-2020. There is no current approval or proposal to extend the classrooms (or any other facilities) at Easingwold Primary School to increase the capacity from the current 315 places. As a consequence the proposal is contrary to the LDF Policy DP6 that requires that proposals for new development must be capable of being accommodated by existing or planned services. The proposed footpath link is also considered likely to prevent further expansion of the Easingwold Primary School beyond the application site. DP6 goes on to require that where improvements in off-site infrastructure are programmed the timing of development must be co-ordinated with its provision. As no programme for additional infrastructure at the primary school exists the proposal is contrary to both the first and second elements of Policy DP6. The third element of Policy DP6 is that where additional infrastructure is proposed that it is to be consistent with the principles of sustainable development. In the absence of details of additional infrastructure a reliable assessment of this third element cannot be made.

Infrastructure

- 5.43 The DP6 requirement for capacity of infrastructure relates also to issues of water supplies and drainage. It is noted that there are limitations to the volume of water

available to the site, however this is a matter for the water company and developer to resolve. The advice from Yorkshire Water is that the supply can be increased from existing reservoirs but requires additional pipework. Despite the drainage issues experienced elsewhere in the town there is no evidence that the application site cannot be drained or that its drainage would cause adverse impacts on the performance of elsewhere in the town as the drainage systems operating in the south east and west ends of the town are separate.

- 5.44 The representations from local residents, as witnessed by the petition submitted relating to this application, is that the town is suffering from the impacts of the growing population as the rate of population growth has not been matched by the rate of expansion of services and infrastructure. The application seeks to provide a pedestrian link to the town centre to reduce the potential impact on demand for parking in the town centre, but does not proposed any improvements to footways beyond the boundary of the site. The scheme if approved would be required to make payments under the Community Infrastructure Levy that can be used to improve infrastructure however there is no guarantee that that the CIL amount due would meet all local infrastructure needs. The calls for improvements to facilities set out in the neighbour representations are not addressed in the application proposals other than for the provision of additional school land. This is discussed earlier in this report.

Agricultural land classification

- 5.45 The agricultural land classification is not mapped by the applicant in the submission. From the available mapping by Natural England of August 2010 it is concluded that the land lies within Agricultural land classification 2. Agricultural land of classifications 1, 2 and 3a are considered to be the best and most versatile agricultural lands and should be protected for future agricultural use. Development should be directed to land of lower quality. Development for residential purposes is considered irreversible and would preclude future use for agriculture.
- 5.46 In the light of the above it is considered that the proposal is an unsustainable form of development in terms of the NPPF as it would result in the loss of the best and most versatile land contrary to the policy in NPPF paragraph 112.

6.0 SUMMARY

- 6.1 The proposal fails to demonstrate an 'exceptional circumstance' sufficient to satisfy the criteria as set out in Policy CP4 of the Hambleton Local development Framework. In addition the scale of the development is considered to be outside of the parameters as given by the Interim Planning Guidance.
- 6.2 The accompanying planning statement seeks to advance a case for development based on the lack of a five year land supply however the District has a demonstrable supply well in excess of five years and there is no policy reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 6.3. The development proposals would bring forward additional housing, this is seen in the NPPF as being a substantial social benefit due to the shortage of affordable homes in the country. However the size and type of many of the homes has been found not to match the needs of the District and any benefit is less than would be the case if the scheme proposed more small and medium sized homes (one, two and three bedroom dwellings and bungalow). The proposal to provide school land would result in a social benefit but there is no mechanism to increase the capacity of the school to meet the needs arising from the proposal. There is no economic benefit

other than that arising from the building of new homes, and that economic benefit would arise wherever the homes were built and is not a justification to build on the best and most versatile agricultural unallocated land outside of the Development Limits of the market town that lies within an area of restraint.

- 6.4 In terms of housing numbers and a five year supply therefore the applicant's case is not supported.

7.0 RECOMMENDATION

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

1. The site lies beyond the Development Limits of Easingwold and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, DP8, DP9 and CP6 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system. The proposed development is contrary the Hambleton Local Development Framework
2. The proposal fails to provide an appropriate a mix of housing to meet the identified needs to create or contribute towards a sustainable and inclusive community. The scheme does not follow the local housing needs data collated in the Strategic Housing Market Assessment and for all these reasons is contrary to LDF Policy DP13 that seeks to achieve and maintain the right mix of housing.
3. The national planning guidance requires that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate, in this instance insufficient information has been provided to demonstrate that it will achieve an acceptable form of sustainable drainage system and approval therefore would be contrary to the Hambleton Local Development Framework Policies CP21 and DP43.
4. The provision of a convenient pedestrian access route from the site to town centre is desirable however it would prevent future expansion of the school site and furthermore cause a loss of amenity to an existing dwelling contrary to the Hambleton Local Development Framework Policies CP1 and DP1 that seek to protect the amenity of neighbours.
5. The proposal is contrary to Hambleton Local Development Framework Policies CP3, that gives support for proposals that protect, retain or enhance existing community assets, and DP6 that requires that proposals for new development must be capable of being accommodated by existing or planned services. DP6 also requires that where improvements in off-site infrastructure are programmed the timing of development must be co-ordinated with its provision. As there is insufficient capacity at Easingwold Primary School to accommodate the population growth and as there is no programme for additional infrastructure at the primary school the proposal fails to protect the existing community asset contrary to Policy CP3 and fails the tests of Policy DP6 as the needs to accommodate additional pupils is not met by the existing capacity and no additional capacity is programmed or co-ordinated to meet the needs of the development.
6. The proposal comprises a greenfield development including the best and most versatile agricultural land. The proposal would therefore be a form of unsustainable

development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP16, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015 and NPPF paragraph 112.

7. The proposed development fails to achieve the objective of sustainable development as defined in the NPPF as it does not simultaneously achieve economic, social and environmental gain and as such is contrary to the policy contained in the NPPF at paragraph 7.

15/02419/OUT

**Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses.
at Land adjacent and rear of Police Houses, York Road, Easingwold
for Jomast Developments.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The 3.2km hectares site lies on the south side of Easingwold beyond the current built up area of the market town. The land is low lying, generally flat and last in use for agriculture, bounded by hedgerows and trees and ditches except where it bounds on to the dwellings of the Old Police Houses where a variety of fences and planting form a means of enclosure to the gardens.
- 1.2 Access to the land is from the former A19, now a 'C' road. The site lies almost directly opposite the recent residential development by Persimmon Homes called Driffield Avenue.
- 1.3 Leasmires beck, a watercourse at the extreme eastern side of the site provides land drainage for the site as well as a means of surface water disposal for much of the eastern part of the town. It is proposed that the beck will continue to provide a drain for the site.
- 1.4 There are no notable trees within the site. Habitats of potential for nature conservation value exist to the north and east where trees and watercourse of Leasmires beck and ditches provide variety from the surrounding agricultural land use.
- 1.5 Outline planning permission is sought for the construction of up to 80 dwellings, a Use Class A1 convenience store (280 sqm gross), petrol filling station and Use Class D1 healthcare uses (480 sqm gross). The only matter of detail to be considered at this stage is access to the site. The matters of appearance, landscaping, layout and scale are reserved for later approval if outline permission is granted.
- 1.6 The application proposes to deliver up to 80 dwellings. The site is in total 3.2 hectares, excluding the areas for the proposed convenience store, petrol filling station, and healthcare uses; the remaining area is about 2.6 hectares, resulting in about 30 dwellings per hectare. The scheme is 50% of the units are to be affordable homes in accordance with Policy CP9 requirements, and 10% of the site would be bungalows that satisfy the 'Size, Type & Tenure' SPD. The supporting statement says that affordable dwellings would be pepper potted through the site.
- 1.7 There are no public rights of way in close proximity to the site. A new footway would need to be created along the site frontage with York Road. A single new access is proposed to be formed from York Road, from a point south of the boundary of the allocated land in Policy EM1, as per the previously approved application ref: 13/02183/OUT. The access details include a widening (on the east side of York Road) to provide a right turn lane into the site. A simple priority (T junction) is shown to access the site.
- 1.8 The site is within the Development Limits of Easingwold and is allocated under Policy EM1 in the Allocations DPD. The EM1 allocation relates to the land between

Stillington Road and York Road much of which has already been granted planning permission for residential developments and much of this has been completed. The part of the allocation relevant to this application site states

EM1 iv - "and B2/B8 uses (3.5ha) at the south of the site, accessed from York Road"

In addition to provision of any necessary improvements to the drainage system and provision of landscaping to the southern part of the site contributions are also to be sought relating to sports, cycling and footpath facilities, drainage and sewerage infrastructure, school places and local health care. It is noted that since the adoption of the policy and as a consequence of the adoption of the Community Infrastructure Levy (CIL) the policy has to be applied in accordance with the CIL regulations.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Relating to the application site

- 2.1 13/02183/OUT – Outline application for the construction of a foodstore, petrol filling station, health uses, public open space, car parking and means of access; Granted 16 April 2014.

Relating to the remainder of Allocation EM1

- 2.2 11/01661/FUL - 93 dwellings, associated parking, highway works and public open space; Granted 21 June 2012.
- 2.3 13/02179/OUT - 48 dwellings; Granted 12 June 2014.
- 2.4 15/00175/REM - Reserved matters application of the construction of 48 dwellings and associated garages/parking; Granted 6 July 2015.

Relating to other land on York Road

- 2.5 12/01209/FUL - Construction of 44 dwellings with associated garages, parking and landscaping; Granted 30 July 2013 and implemented.
- 2.6 13/01413/FUL - Construction of 4 dwellings with associated garages and new vehicular access; Granted 24 December 2013 and implemented.
- 2.7 14/00630/FUL - Construction of 7 dwellings with associated garages and new private access road; Granted 25 September 2014 and implemented.
- 2.8 16/00411/OUT - Outline application with all matters reserved for the construction of 4 bungalows and associated garages; Pending determination.

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP10 - The scale and distribution of new employment development
 Core Strategy Policy CP10A - The scale of new employment development by sub-area
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside 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 DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP24 - Other retail (and non-retail commercial) issues
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP43 - Flooding and floodplains
 Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road, Easingwold - adopted 21 December 2010
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 National Planning Practice Guidance
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - Wish to see the application refused. The Town Council wish to see the application considered through the democratic process via the new Local Plan when considering new sites for Easingwold. Easingwold cannot absorb any further developments beyond those currently planned for the following reasons: there is a need to improve the drainage infrastructure, increase classrooms in the Primary School, increase medical facilities, improve employment opportunities and address vehicle parking issues. Easingwold needs to consider conducting a strategic

plan for the future wellbeing of the Town and its residents. In addition, Easingwold Town Council does not support a convenience store as it will be detrimental to existing business. The Council supports the development of a petrol station

- 4.2 Highway Authority - No objection subject to conditions relating to highway construction details, visibility splays, access, turning and parking details, preventing mud on the highway and a highway condition survey. This recommendation supersedes the Local Highway Authority's previous recommendation dated 13/11/15. In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the proposed access arrangements, the level of traffic generated by the site and its effect on the local highway network. The Highway Authority would wish to be a party to an agreement securing a developer contribution of £40,000 to fund the travel plan for the site.
- 4.3 NYCC Children and Young People's Service - Identify that Easingwold Primary School has insufficient classroom and playing field space to cater for those children likely to be generated by consented schemes. Additional residential development will exacerbate the situation.

Easingwold Primary School currently has a net capacity of 315 places. The school's current total site area is 12,100m² and their current play area is 7,400 m². These areas are currently undersized. To meet statutory guidance there should be 14,894m² total site area and 13,022m² of play/open space.

Therefore, even for the current capacity, the playing field space is approximately 5,000m² short of the *BB103* area guidelines¹. The Jomast application would generate 20 primary children and to expand the school's net capacity proportionately would further increase the playing field shortfall, since the *BB103*¹ recommended area would also increase.

If all of the 747 known housing proposals are successful, 147 additional primary children would be generated. Once surplus spaces are taken out, the school's net capacity would need to increase to around 400 spaces. This would require, according to *BB103*¹, a total site area of 17,282m² and the playing field area would need to be 15,120m². This would leave the primary school with a shortfall of approximately 8,000m² of playing field space.

The school needs a piece of land in order to be able expand the school's capacity appropriately. Without it the residential development schemes will be unsustainable as it will not be possible to add the appropriate number of school places.

In addition, *Section 77²* of the *Schools Standards and Framework Act 1998*, which extends the requirement to ask for Secretary and State consent to dispose of school playing field, to now include consent required for change of use of "open space", e.g. building a classroom, would apply. It is unlikely that consent could be secured under *Section 77²* for constructing additional accommodation on the current playing field land (or on open land) in the context of an existing shortfall which would be exacerbated by the application.

Footnotes:

1. *Building Bulletin 103: Area Guidelines for Mainstream School* (BB103) is the Department for Education's statutory area guidelines for school buildings (Part A) and sites (Part B) for all ages from 3 to 19. The document was written in 2014 and updated on 4 March 2015.

BB103 supersedes the separate area guidelines for primary and secondary school in Building Bulletins 98 and 99, with reduced recommended areas. The minimum gross area in *BB103* averages 15% lower than recommended in *BB98* and 6% lower than *BB99*.

A link to the document is found at:

<https://www.gov.uk/government/publications/mainstream-schools-area-guidelines>

2. Section 77 of the *Schools Standards and Framework Act 1998* describes the main circumstances when relevant bodies need to seek the consent of the Secretary of State for Education to dispose, or change the use, of land used by schools, including playing fields. It extends the requirement to ask for Secretary of State consent to include change of use of playing field, eg extending the school building, when "playing field" is defined very broadly as any land in the open air, excluding school building and car parks.

A link to the document is found at:

<https://www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice>

As there is substantial shortfall in the capacity of the school NYCC C&YPS objects

- 4.4 Yorkshire Water - No objections subject to conditions relating to foul and surface water drainage, sewer easements and water supply.

Company records indicate live water mains cross through the red line site boundary. The presence of the mains will affect the layout of the site and therefore consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the mains i.e. protected strip widths of 6 metres.

On the Statutory Sewer Map, there is a 375mm diameter public foul water sewer and a 300mm diameter public surface water sewer recorded to cross/enter the site. The presence of the pipes may affect the layout of the site and as such may be a material consideration in the determination of the application. A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 375 mm diameter public foul sewer recorded in York Road, at a point immediately downstream of the site.

If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 litres per second.

If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer must take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves.

The Flood Risk Assessment (prepared by Billingham George & Partners - Report dated October 2015) confirms; Sub-soil conditions do not support the use of soakaways, owing to the high water table. The report confirms surface water disposal to Leasmires Beck, which is located adjacent the site. Restrictions on surface water disposal from the site may be imposed by other parties.

- 4.5 Kyle and Upper Ouse Internal Drainage Board - The application relates to work near and discharging into a watercourse within the Internal Drainage Board drainage district and requires consent from the IDB in addition to landowner agreements for works, access, easements and planning permissions.
- 4.6 Environmental Health Officer - Notes that this is an outline application with all matters reserved save for access, and as such I have no objection to the proposal. However, should the scheme be progressed I would wish to see details explaining how the amenity new and existing residential properties will be protected from any noise/odour associated with the petrol station and convenience store.
- 4.7 Natural England - No comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 4.8 North Yorkshire Police Architectural Liaison Officer - Has no objection in principle but makes a number of recommendations relating to secured by design certification of the scheme and matters that should be addressed at the detailed design stage and to address a series of security measures during construction.
- 4.9 Ministry of Defence - Has no safeguarding objections to the proposal.
- 4.10 Publicity - 14 individual objections have been received to date and are summarised as follows:
 - Existing drainage systems are unable to cope.
 - Residential properties suffer from the occasional surcharging of sewers.
 - No further development should take place until local infrastructure has been improved.
 - Dangerous and increased traffic movements close to Easingwold Secondary School.
 - Local roads are congested and were not designed to cope with the amount of traffic being generated by recent developments.
 - Development would have an adverse impact on existing shops and food outlets.
 - Existing services are overstretched, e.g. doctors, schools.
 - Residents in Easingwold are unable to attend a local dentist.
 - Detrimental to Easingwold's character.
 - Insufficient parking spaces will be provided for the commercial and community uses.
 - Neighbouring residents would experience a loss of amenity, particularly noise and air pollution.
 - Easingwold has a sufficient supply of convenience stores.
 - The existing land drainage system should not be removed and instead be culverted.
 - Surface water will flow onto neighbouring gardens. Residents have already suffered from water ingress.

- The proposed layout plan shows an out-dated layout for Clayhithe Mews.
- Landscaping buffer should be planted alongside Clayhithe Mews to mitigate loss of amenity.
- The Council's separation distances should be maintained.
- Opening hours and deliveries for the community facilities should be restricted.
- Public transport is already poor.
- Rural farming community is under threat by further development.
- No need for a larger food store in the town.
- People drive to York or Thirsk to meet their food shopping needs but a local convenience store is not the solution to tackling a lack of such facilities.
- A food store could be built on the parcel of land next to the southern roundabout on the bypass, along with parking and a petrol filling station.
- The land should be marketed for a longer period. Other mixed use proposals should also be explored.
- The site should be used to enhance long term economic growth, sustainability and prosperity of the town.
- A petrol filling station is needed but this would be too near to residential properties.
- Land should be used primarily to provide local employment opportunities for Easingwold.
- There should be a balance between new housing and corresponding provision of employment and shopping facilities. This balance is not being achieved.
- A new retaining wall should be constructed adjacent to the boundary with Police Houses in order to protect these properties.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are matters relating to: (i) loss of employment land; (ii) housing supply and need; (iii) affordable housing; (iv) housing mix; (v) community and other facilities; (vi) design; (vii) flood risk and drainage; (viii) highway matters; (ix) residential amenity; (x) sustainable construction; (xi) ecology; and (xii) public open space.

Loss of employment land

- 5.2 As set out in section 1 of this report the site is allocated in the LDF for use for employment purposes. The background of a planning permission for a mixed use with a foodstore as the main feature with petrol filling station, health uses, public open space also approved is important in consideration of this scheme. Whilst the developer has not been able to secure an operator for the foodstore in approving that scheme there was an acceptance that the land could be used for purposes that are not traditional 'employment' uses (offices, research and development, industry and warehousing). It is worth noting that the foodstore was anticipated to create 194 jobs and was thus considered to provide employment in its own right. This application is supported by information that states that there is no need, in terms of planning policy, for the site to be retained for employment use and demonstrates the lack of success of efforts to find an operator for a foodstore.
- 5.3 Policy DP17 seeks to safeguard sites which are allocated for employment use for that purpose. The policy goes on to say that permission will not be granted unless
- i. The supply and variety of available alternative employment land is sufficient to meet District and local requirements; or
 - ii. Evidence can be provided that no suitable and viable alternative employment use can be found or is likely to be found in the foreseeable future; or

- iii. There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
 - iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.
- 5.4 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support local communities.
- 5.5 The application submission states that despite extensive marketing no viable demand has emerged for the development of B1/B2/B8 use or the approved food store. The applicant is now seeking permission for the construction of a convenience store and petrol station which will provide 280m² A1 retail use and 480m² D1 healthcare uses. However, the largest proportion of the site would be utilised for residential development. No statement is made regarding the number of jobs anticipated to arise from these proposals.
- 5.6 Evidence was provided by the applicant (in a study by Storeys Edward Symmons) in relation to the previous application for a food store to show that the loss of land for B2 and B8 uses would not harm the local economy. This evidence was considered in the light of studies undertaken for the Council and found to be valid.
- 5.7 The 2014 Employment Land Review of the District concluded that following the loss of allocated EM1 (following previous planning approval) there was an under supply of employment land within this functional economic area. An updated Employment Land report (produced by Lambert Smith Hampton 3rd February 2016) has been submitted in support of the application. The report says that despite extensive marketing no viable demand has emerged for the development of B1/B2/B8 use. However there is a lack of information within the application documents in terms of how long the site has been marketed, what the marketing strategy has involved and details of any offers which may have been made for the site. Given the lack of information on the marketing of the site it is considered on balance that there is insufficient information to demonstrate that there is no demand for the site for employment use.
- 5.8 The Lambert Smith Hampton (3rd Feb 2016) document concludes that there is 12.52 hectares of available employment land in the Easingwold Sub-Area. When measured against a take-up of 0.34ha per annum, this equates to 37-year supply. It is argued that this level of provision is more than required and the overall supply of available sites could be reduced without detrimental effect on prospects for economic development within the District or Sub-Area. When the availability of employment land is focussed on Easingwold town, the amount reduces to 5.06ha, with the application site accounting for nearly 60% of that (2.99ha). However, as the report lacks detail on the marketing efforts that have been made in respect of the site and that the implied supply of land for 37 years assumes take up rates will stay low and not return to the pre-recessionary levels, there are significant weaknesses in the assessment.
- 5.9 In terms of delivering the approved foodstore, a Marketing Report (produced by Westmark Estates Limited) shows that the applicant has marketed the site without success. The Applicant has approached all the major foodstore operators during the planning process and following the receipt of planning permission – these include:

Sainsburys, Asda, Morrisons, Tesco, Waitrose, Booths, Aldi, Lidl and Netto. The applicant has undertaken pro-active and direct marketing for over two years and it is clear from the evidence presented that there is no appetite for the consented scheme or a version thereof. Westmark Estates Limited have closely monitored the market and with the major large format operators in a state of flux and shelving expansion plans, combined with Easingwold's perceived low population levels and existing convenience store competition, it is considered to be highly unlikely the extant consent will provide suitable to any operator for the foreseeable future.

- 5.10 The foodstore Marketing Report substantiates the applicant's view that the national foodstore market has changed significantly over the course of the last three years predominately due to shifts in consumer behaviour. The growing trend for online retailing has led to consumers performing their main shop online and using smaller format stores for 'top-up' shopping. Shoppers are therefore moving away from the "big weekly shop" and are choosing to buy less more often.
- 5.11 The preference for smaller store formats is now reflected in the levels of new and proposed floor space which are reported to be at their lowest levels since the 'race for space' began at the beginning of the recession. The 'big four' (Asda, Morrison's, Sainsbury and Tesco) food store operators are all reportedly moving away from developing large format food stores in preference for the smaller concepts.
- 5.12 In conclusion, the proposal would reduce the supply of available (committed) employment land in the Easingwold Sub Area. Despite the expert reports submitted it is considered that there is a lack of evidence on marketing of the site for employment uses. The proposal therefore has not been shown to accords with the criterion of DP17 (relating to the retention of employment sites) and it is not possible to show that the test of paragraph 22 of the NPPF that "there is no reasonable prospect of a site being used for the allocated employment use" has been met.

Housing supply and need

- 5.13 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and in the National Planning Practice Guidance how these are expected to be applied. The NPPF replaces all the previous national planning policy guidance notes.
- 5.14 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through the planning system. For decision taking, this means approving development proposals that accord with the development plan without delay
- 5.15 The NPPF places emphasis on maintaining a 5 year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.16 In order to calculate the current 5 year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.17 Over five years this produces a need for 1,370 dwellings ($274 \times 5 = 1,370$). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog for the District to be added to this requirement.

- 5.18 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.19 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.20 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.21 It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release large scale housing that is not allowed for by the Development Plan. Where such releases may be necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.22 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.23 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.
- 5.24 In light of the above consideration, the Council's 5-year supply position is not a reason to allow residential development of the site. Rather a decision should be based upon the benefits or dis-benefits of bringing this mixed-use site forward for development in a sustainable manner.

Affordable housing

- 5.25 Proposals for new housing sites of 15 or more dwellings within the development limits of Easingwold trigger an affordable housing contribution. This proposal is within the EM1 allocation site. If deemed acceptable for housing development the affordable housing target for the site would be 50%. Based on the scheme of 80 dwellings the developer would be required to provide 40 affordable homes. Tenure mix should be 70% rent and 30% intermediate tenure unless there is need evidence to support an alternative split which is supported by a Registered Provider. The affordable homes should be distributed across the site in clusters of no more than six to eight dwellings.
- 5.26 The applicant has confirmed that the scheme will satisfy the above requirements and to provide dwellings of a size and type that meets the details of the Policy CP9 and the Affordable Housing Supplementary Planning Documents is prepared to enter into a legal agreement with the Council to that end. The applicant has also confirmed that the affordable units will meet the nationally described space standards.

Housing mix

- 5.27 The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.
- 5.28 There is evidence to support the following market mix on larger market sites across Hambleton: 10% two bedroom bungalows, 10% one bedroom, 35% two bedroom and 25% bedroom homes and 10-15% four bedroom houses.
- 5.29 The applicant has agreed to deliver 10% of the units as bungalows in accordance with the Size, Type and Tenure of New Homes Supplementary Planning Document adopted in September 2015. The applicant has agreed to review mix of market housing units at reserved matters (detailed design stage) should outline planning permission be granted to provide smaller homes (one or two bedroom houses) that will be more affordable to young couples and singles and first time buyers.

Community and other facilities

- 5.30 Policy DP5 of the adopted Development Policies DPD gives support to the provision and enhancement of community facilities, and to their retention, where these constitute important contributions to the quality of local community life and the maintenance of sustainable communities.
- 5.31 The proposal includes floor space for healthcare uses. The LDF policy requirements for EM1 make specification that the northern part of the land, fronting Stillington Road should include healthcare provision, although most of that area is now being developed for housing. No end user for the healthcare floor space has been defined and the extent of land or location of land required to meet the policy objective cannot be confirmed. However, the application makes provision of space within the site in a location that would be accessible to all those who can access the convenience store, close to new housing and the secondary school and may generate link trips between the petrol filling station (PFS), convenience store and healthcare uses.
- 5.32 The applicant notes that the Petrol Filling Station (PFS) is proposed in direct response to community consultation and would be of significant benefit from both a social and environmental perspective. The applicant is giving consideration to the means of securing the provision of a PFS as part of a planning obligation or by means of a planning condition(s).
- 5.33 There is no doubt that there has been a significant level of support from residents and businesses in the Easingwold area for a PFS in the town. Following the closure of 2 PFSs in the last 20 years there is only one garage on the north side of the town that has limited fuel facilities. The nearest facility is on the A19 southbound about 2.5 miles south of the town.
- 5.34 A 280sqm convenience store is proposed. Policy DP24 allows for new small scale retail developments outside of the Primary Retail Areas of the market towns where they are to serve neighbourhoods and residential areas unless they might jeopardise the vitality and viability of the Primary Retail Area of that market town. A threshold of 500sqm set out in Policy DP24, above which development would be considered to be a 'major shopping proposal' to be considered under Policy DP23.

- 5.35 No representations have been received that provide evidence that the provision of a food store at the site would cause harm the vitality or viability of the Primary Retail Area of the market town. Reference is made to the potential impact by increased competition with the Co-op and Costcutter stores on Long Street. However, both of these stores lie outside the Primary Retail Area and direct competition between traders is not a planning consideration. Accordingly it is considered that the principle of a convenience store of 280sqm would be acceptable under Policy DP24. Matters such as the design, including access arrangements, would be subject to scrutiny under a reserved matters application.
- 5.36 The NYCC Children and Young Peoples' Service (NYCC C&YPS) has objected to the proposed development of additional housing in Easingwold due to the impact upon educational infrastructure as noted in section 4 of this report.
- 5.37 The scheme of 80 dwellings is expected to result in 20 primary school age children attending Easingwold Primary School. As noted in the response from NYCC C&YPS as a consequence of new housing built and already approved the school will exceed its current capacity of 315 spaces in the academic year 2019-2020. The school already has a shortfall in playing field space.
- 5.38 The NYCC C&YPS or school could seek to secure additional land and construct additional classrooms but have not made applications for planning permission for either at this time. There can be no guarantee that the school would be able to extend its classroom facilities on to existing playing field land, which would need Secretary of State approval, and further no guarantee that this could be achieved in time for the additional pupil numbers forecast to attend as a consequence of this and other as yet unapproved housing developments.
- 5.39 The monitoring and modelling work that underpins the forecast of school pupil numbers results in variations over time. Policy DP6 'Utilities and infrastructure' requires that new development must be capable of being accommodated by the existing or planned services. It notes that:
- "Where improvements in off-site infrastructure are programmed, the timing of development must be co-ordinated with its provision. The provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development, including where such provision will have no adverse impact on the environment".
- 5.40 It has been suggested that a planning obligation could be used to ensure that the residential development is not occupied unless there is capacity for primary school pupils at the relevant primary school. However, that could place a developer in the unenviable position of being unable to sell completed dwellings and is therefore not practical. There is scope to identify and allocate education land in a new Local Plan to address the need for additional space for classrooms and playing fields. Considering that there is no need to strengthen housing supply, the longer-term approach through the Local Plan, in which new housing and infrastructure can be co-ordinated, is the only safe course.
- 5.41 The significant concerns of the ability to provide education facilities is an important matter that must be weighed in the planning balance of this application.

Design

- 5.42 Policy DP32 stipulates that "the design of all development must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable

designs that take into account local character and settings and promote local identity and distinctiveness."

- 5.43 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 5.44 The applicant's stated vision for the site is to provide a distinctive and high quality place, which enhances the qualities and character of Easingwold. Creating a new, accessible local centre with a mix of commercial and healthcare uses is a key element of the proposals. Illustrative plans show how the site could be developed in terms of scale, layout and external appearance, whilst detailed plans have been submitted for the proposed means of access. The accompanying Design & Access Statement explains how the design concept evolved in response to comments provided at pre-application stage.
- 5.45 The applicant has confirmed that the design of the house types (mainly two-storey) would reflect the more traditional elements of Easingwold's built environment and the palette of materials would reflect the local vernacular and the proposal would be acceptable in this respect.
- 5.46 In terms of density, a minimum range is no longer quoted within planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing and the current and future level and capacity of infrastructure, services and facilities. The proposed scheme equates to a density of 25-30 dwellings per hectare, although it has not yet been determined how much land would be given over to healthcare, convenience store and PFS purposes, all of which could impact on the density of the housing. It is considered that the details of the layout and buildings would require an innovative approach to achieve a development that is of a high quality of design due to the edge of town location and impact on the neighbouring residential properties and the retention of existing heavily tree cover and ditch features around the north and east sides of the site, the need to avoid existing sewers within the site and the need to provide sustainable drainage systems. The relationship to the neighbouring Old Police Houses requires special attention to protect the amenity of these properties from the layout of the PFS, health care, public open space and the new dwellings
- 5.47 The design statement indicates a possible layout of the land but all matters except access are reserved for later approval and caution must be exercised. Whilst the layout is a logical arrangement with the PFS at the road frontage with convenience store, health care and open space forming a buffer to the proposed new housing the layout cannot be relied upon at this stage.

Flood risk and drainage

- 5.48 In common with other development proposals in the south and east of Easingwold, drainage is a substantial issue of concern to all involved. The provision of a drainage system that is capable of accommodating foul water and surface water flows from the site whilst also dealing with issues of land drainage and flooding is critical to the acceptability of this proposal.
- 5.49 Reports have been supplied by the developer to explain the means of providing foul sewage disposal and the measures proposed have not resulted in any objection from Yorkshire Water.

- 5.50 The application details that surface water and groundwater would be managed within the Sustainable Drainage System that will be designed for the development, the principles of which are outlined in the Flood Risk Assessment.
- 5.51 It is proposed that groundwater will be managed through the raising of ground levels and the installation of land drainage to manage elevated ground water levels, but not dewater the land. Discharge of land drainage is proposed to the Leasmires Drain subject to agreement with the Kyle and Upper Ouse Drainage Board.
- 5.52 The development would include a surface water drainage system designed to accommodate a 1 in 100 year (+30% climate change) event. The design criteria are to ensure no flood risk to the development itself and no increase in flood risk elsewhere within the design criteria. Discharge of surface water at greenfield run-off rate is proposed to Leasmires Drain subject to agreement with the Kyle and Upper Ouse Internal Drainage Board. The re-profiling of site levels would allow surface water run-off in the event that the drainage system capacity is exceeded to the Leasmires Drain.
- 5.53 The foul effluent is proposed to be managed through the installation of a sewerage system including pumping station, which would be subject to adoption by Yorkshire Water Services.
- 5.54 The surface water is proposed to discharge direct to Leasmires Drain, so there would be no discharge to the existing public sewerage system serving Easingwold.
- 5.55 In light of the above, the proposed foul and surface water drainage details are considered to be acceptable subject to the imposition of planning conditions

Highway matters

- 5.56 A Transport Statement (TS), produced by Fore Consulting, was submitted with the application. The TS examined access arrangements and the capacity of the local highway network to accept additional traffic generated by the proposed development.
- 5.57 A new vehicular access is shown to be constructed off York Road, as per the previously approved application ref: 13/02183/OUT. The proposed works show the provision of a new access with a right turn lane, designed to accommodate a range of vehicles, including HGVs.
- 5.58 The internal layout of the proposed development is a reserved matter and would need to be assessed at that stage. Turning areas would be required to accommodate large vehicles servicing the convenience store and PFS to enable refuse vehicle to satisfactorily manoeuvre within the site
- 5.59 In addition, parking provision for vehicles and cycles can be controlled by condition.
- 5.60 The Highway Authority requests that a contribution of £40,000 is paid for the operation of a Travel Plan and recommend conditions. It is considered that any Travel Planning work should be undertaken at the applicant's expense to meet the requirements of a planning condition and that it is therefore not necessary to require a financial contribution. Overall the scheme is considered to be unlikely to result in severe impacts upon highway safety, the test stated in paragraph 32 of the National Planning Policy Framework and subject to conditions relating to, amongst other matters, the connections of the site with the surrounding footway network the scheme can meet the requirements of LDF Policies CP2, DP3 and DP4.

Residential amenity

- 5.61 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.62 The impacts arising from the vehicles movements to the PFS and convenience store and the odours and noise arising from the operation of the two premises have the potential to have a significant impact upon neighbouring properties. The layout of buildings and roads coupled with the hard and soft landscaping of the site can address many of these issues. Provision of a wall and landscaping between the PFS and the Old Police Houses is important to provide a strong visual and physical barrier to help to address the real and perceived impacts of the development upon these neighbours.
- 5.63 Subject to conditions relating to the boundary treatments and landscaping, hours of operation, attenuation of noise from refrigeration equipment and other similar matters it is considered that the revised mix of uses would not result in any greater impact on neighbour amenity than the previously consented scheme.

Sustainable construction

- 5.64 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures. A suitably worded condition could be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Ecology

- 5.65 Policy DP31 of the LDF states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation,... that, Support will be given ... to the enhancement and increase in number of sites and habitats of nature conservation value".
- 5.66 A Phase 1 Habitat & Protected Species Assessment has been submitted and finds that the site does not support any statutory or non-statutory designations and is assessed as having fairly low ecological value. The Appraisal does not highlight a risk to any protected species but recommends that further survey work is in relation to breeding birds, bats and badgers, which can be conditioned.
- 5.67 In light of the above, it has been shown that the proposed development is unlikely to have any significant harmful ecological impact in accordance with the development plan and the NPPF.

Planning Balance

- 5.68 The development would achieve some economic gains by the provision of new retail floor space and potentially assist other economic growth by the provision of a PFS. The loss of land that is allocated for employment purposes may hinder the future economic growth and result in an economic loss. The formation of additional dwellings can, in principle and notwithstanding the Councils housing land supply position that is substantially above the 5 year minimum, be supported as a social gain and the provision of affordable housing in accordance with the LDF policies can also be given significant weight. There is no mechanism to secure the provision of the proposed petrol filling station or healthcare facilities and little or no weight can be

given to these matters. There is no need to provide additional housing land to as the Council have an 11.67 year supply of land for housing, well in excess of the 5 year requirements. There would be social harm due to the absence of primary school places to meet the needs of residents on the development. There are no overriding site specific impacts environmental impacts.

5.67 On balance it is considered that the scheme would be an unsustainable form of development and leads to recommendation of refusal.

6.0 **RECOMMENDATION:**

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

1. The site lies beyond the Development Limits of Easingwold and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, DP8, DP9 and CP6 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system. The proposed development is contrary the Hambleton Local Development Framework

2. The proposal fails to provide an appropriate a mix of housing to meet the identified needs to create or contribute towards a sustainable and inclusive community. The scheme does not follow the local housing needs data collated in the Strategic Housing Market Assessment and for all these reasons is contrary to LDF Policy DP13 that seeks to achieve and maintain the right mix of housing.

3. The proposal has not demonstrated that there are no reasonable prospects of the allocated employment land being used for that purposes and there is no justification for the land to be released for alternative uses at this time. The proposal is therefore contrary to the Hambleton Local Development Framework Policies CP12 and DP17 and contrary to the NPPF.

4. The proposal is contrary to Hambleton Local Development Framework Policies CP3, that gives support for proposals that protect, retain or enhance existing community assets, and DP6 that requires that proposals for new development must be capable of being accommodated by existing or planned services. DP6 also requires that where improvements in off-site infrastructure are programmed the timing of development must be co-ordinated with its provision. As there is insufficient capacity at Easingwold Primary School to accommodate the population growth and as there is no programme for additional infrastructure at the primary school the proposal fails to protect the existing community asset contrary to Policy CP3 and fails the tests of Policy DP6 as the needs to accommodate additional pupils is not met by the existing capacity and no additional capacity is programmed or co-ordinated to meet the needs of the development.

15/02795/MBN

Proposed change of use of 3 adjoining agricultural buildings to 2 dwellinghouses and associated operational development at Cote House Farm, Busby Lane, Great Busby for Mr Nicholas Hugill

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The buildings form a compact group, south east of the farm house, and accessed by a long track (approximately 800m) from the road. There are larger agricultural buildings approximately 25m to the south. The farm is a dairy farm and milking takes place in the buildings immediately to the south of the application buildings.
- 1.2 The buildings are traditional farm buildings constructed partly of stone and brick, and have hipped roofs with clay pantiles. There are cart shed openings, partly in-filled with timber on the south side. The buildings are currently in use for general agricultural storage, with some light domestic use in the west building. The west building is reported to have been used for cows 2 years ago, the south building to have been used for calves in 2015. The domestic activity in the west building is very superficial and does not affect the status of agricultural building.
- 1.3 The proposal is a prior notification application under Part Q of the General Permitted Development Order for the conversion of the building to two dwellings. The application proposes one small 2 bedroom cottage in the west building and the south and north buildings forming a further dwelling with 3 bedrooms. Details of the proposed works are supplied which show fenestration which reflects the existing character of the building. An informal structural report submitted with the application indicates the building is relatively sound and that roof timbers may be retained.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/93/059/0036 - Conversion of disused agricultural building to a dwelling; Granted 3 June 1993.
- 2.2 07/02661/FUL - Alterations and extensions to former agricultural building to form a holiday unit and bed and breakfast accommodation; Granted 24 October 2007.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The development is permitted by secondary legislation, subject to prior consideration of specific details, and there are no Development Plan policies relevant to this. However, the Council may take the National Planning Policy Framework and the National Planning Practice Guidance into consideration.

4.0 CONSULTATIONS

- 4.1 Parish Council - expiry 28.01.2016
- 4.2 Neighbours and site notice - last expiry 02.02.2016
- 4.3 NYCC Highways - condition requested - vehicle and parking.

- 4.4 Environmental Health Officer - concerns about proximity to the dairy farm, with risk of harm to amenity from odour and potential concerns regarding the use of machinery and milk collections. Additional information supplied by the applicant has not allayed these concerns. Occupation by an agricultural worker, or holiday use, would be acceptable.

5.0 OBSERVATIONS

- 5.1 Part Q of the General Permitted Development Order sets out a number of tests against which a proposed development should be tested. These tests are split into two sections as set out below.

- 5.2 Class (a) of Part Q of the General Permitted Development Order requires the Planning Authority to assess the notification against a number of basic criteria as set out below:

- (a) The building is on land which forms part of an established agricultural unit and is used for agriculture;
- (b) The floor area is less than 450sqm;
- (c) No more than 3 dwellings would result;
- (d) There is no agricultural tenancy;
- (e) There is no other prior notification building on the holding;
- (f) No extensions are proposed;
- (g) No previous conversions have been made under Class Q;
- (h) The proposed works are reasonable in extent to facilitate the proposed use;
- (i) The site is not in a Conservation Area or within an AONB;
- (j) The site is not within a Site of Special Scientific Interest, safety hazard or military explosives area;
- (k) The site is not a scheduled monument; and
- (l) The building is not listed.

The proposed development is considered to meet these tests and as such is eligible for consideration under the Order.

- 5.3 Assessment under Class (b) of Part Q of the General Permitted Development Order is limited to six specific issues: (i) transport and highways impacts; (ii) noise impact; (iii) contamination risks on the site; (iv) flood risk; (v) whether the location or siting of the building makes it “otherwise impractical or undesirable” to convert to residential use; and (vi) the design or external appearance of the building.

Transport and highways impacts

- 5.4 The Highway Authority does not indicate any harmful impacts, therefore the development is considered acceptable on this issue.

Noise impact

- 5.5 Environmental Health Officer raised concerns about potential for noise nuisance arising from the use of machinery and milk collections.

Contamination risk

- 5.6 Preliminary Assessment of Land contamination submitted. No contaminants identified. .

Flood risk

- 5.7 The site is within Flood Zone 1, the area of lowest flood risk, and therefore no adverse impact is anticipated in this regard.

Whether otherwise impractical or undesirable

- 5.8 The Order requires the Council to consider "whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses)".
- 5.9 The siting of the proposed dwellings would not be impractical or undesirable in the sense of the examples set out in National Planning Practice Guidance. However, there are significant concerns about the amenity of occupiers that may make the change of use undesirable, primarily in terms of odour.
- 5.10 The proposed dwellings would be closer to the livestock buildings than would normally be considered desirable for a general purposed dwelling. Whilst there would be scope for action under environmental health legislation if a problem arose, this would require a statutory nuisance to be identified and therefore the loss of amenity would need to be greater than normally consider acceptable as a planning issue.
- 5.11 Consideration has been given to the use of a restrictive condition for an agricultural worker as suggested by Environmental Health officers. However, the Council's Legal Manager advises that such a condition could only be justified on the basis of a demonstrated agricultural need, which is not the applicant's case and does not feature in the scope of decision-making allowed by the Order.
- 5.12 In conclusion, the Council has no power to limit occupation of the dwellings to agricultural workers and the residential amenity concerns are considered significant enough to make the location undesirable for use as a dwelling.

Design or external appearance

- 5.13 The proposal would utilise existing openings and introduce additional changes which are appropriate in design to the character of the buildings. The extent of the works are reasonably necessary to convert the buildings.

6.0 RECOMMENDATION

- 6.1 It is recommended that this application for Prior Notification be **REFUSED** for the following reason:
1. Due to its proximity to agricultural activities likely to be harmful to the amenities of occupiers by virtue of noise or smell, the siting of the development makes it "otherwise unsuitable or undesirable" for the building to change from agricultural use to a use falling within Class C3 (dwelling house) of the schedule to the Use Classes Order, in accordance with Q.2-(1)(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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Parish: Helperby
Ward: Raskelf & White Horse
8

Committee Date : 31 March 2016
Officer dealing : Mr Andrew Thompson
Target Date: 29 March 2016

16/00166/FUL

Conversion of barn to dwellinghouse with double domestic garage, associated parking and revised access.

**at The Stelling Back Lane Helperby North Yorkshire
for J G Swiers (Helperby) Ltd.**

1.0 APPLICATION SITE AND PROPOSALS

1.1 This application relates to a large timber barn located to the rear of Old Star Cottage (Grade II Listed) which is located to the northeast of Back Lane, Helperby. The settlement boundary runs on the opposite side of Back Lane and as such the application site is not within Development Limits.

1.2 The proposals relate to the conversion and refurbishment of the existing timber barn building into a dwelling house. As existing the area around the barn is concrete hardstanding with the proposals introducing new planting, a garden and general soft landscaping of the existing frontage areas.

2.0 RELEVANT PLANNING HISTORY

Old Star Cottage (including the application property)
85/1088/LBC - Application for Listed Building Consent for alterations to 2 existing dwellings to form 1 dwelling to include the provision of a bay window

Opposite the site, accessed from the same access point - The Brick Barn
15/02162/MBN - Prior Notification for Change of Use of agricultural building to dwelling-house and associated operational development - Prior Approval Not Required - 12.11.2015

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 CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP32 - General design
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Practice Guidance

4.0 CONSULTATIONS

4.1 Parish Council- No objections.

4.2 Environmental Health - No objection subject to a condition

4.3 North Yorkshire County Highways - No objection subject to conditions

4.4 Site notice displayed and neighbours notified. 1 letter received supporting the application commenting that it will be good to see this old run down building replaced by a house. It can only serve to enhance the Back Lane in Helperby.

5.0 OBSERVATIONS

5.1 The key determining issues are the principle of residential use, the relationship to neighbouring residents, the character of the area and the impact on the heritage asset and road safety. Contamination from previous uses is also considered.

5.2 The site falls outside the Development Limits for the village of Helperby as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

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

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

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

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

5.6 Helperby has a church and two public houses, as well as a local shop and Millennium Hall. There are also sports facilities within the village. As such the village itself has a number of facilities that enhance the sustainability of the settlement. The Interim Planning Guidance defines Helperby as a Service Village (with Brafferton).

5.7 It is noted that the barn building to the north of the site which was an agricultural building has been approved for conversion to a dwelling house as Permitted Development under Part Q of the General Permitted Development Order.

5.8 The application proposals fit well with the criteria of the Interim Guidance and would represent an improvement to the area through the creation of the garden space and the softening of the large area of hard-surfacing on the site. It would also improve the relationship to the neighbouring property in terms of their outlook and the visual impact on the building.

5.9 The existing building, due to its current level of dilapidation and lack of cohesive landscaping or boundary treatments has a detrimental impact on the setting of the neighbouring domestic listed building. The proposed conversion will lead to significant environmental improvements and greatly improve the setting of the neighbouring listed building.

5.10 The comments of Environmental Health officers are noted in that the Phase 1 Environmental Desk Study submitted in support of the above development identifies potential sources of contamination in above ground fuel tanks, made ground and asbestos containing materials. The report recommends the fuel tank is removed by licensed contractor and soil sampling carried out for validation purposes. These recommendations are agreed by the Environmental Health Officer and a condition is proposed to ensure the investigative and, where necessary, remedial works are carried out.

5.11 The comments of the Highway Authority are noted. There would be appropriate parking provision on the site and the proposed access is in accordance with the requirements of highway safety.

5.12 It is recommended therefore that the proposals are in accordance with the Interim Planning Guidance and would be an appropriate form of development.

5.13 The submitted application has been considered in relation to the principle of development and the impact on the character of the area and the amenities of residents in the vicinity and other matters arising from consultations. The proposals are considered to be in accordance with adopted policy.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **approved** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S74-2-PLG4 2016; S74-2-EX1, S74-2-PLG12016 received by Hambleton District Council on 20 January 2016.
3. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been

implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along the centre line of the major road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas 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

6. 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.

7. 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

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 DP32.

3. In the interests of human health and the environment

4. In the interests of road safety to Back Lane.

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

6. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton District Wide Local Plan L14.

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.

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16/00149/FUL

**Proposed single storey extension to dwelling
at Baileys, Morton On Swale
for Mr Aldred Poulter**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is occupied by a detached bungalow which is situated on a private road off the Northallerton to Bedale road (A684) within Morton on Swale. The rear garden of the property is a generous size and is well screened with trees, shrubs; a hedgerow and a boundary fence approximately 1.8 metres high.

1.2 The application seeks planning consent for a single storey extension to the south elevation of the bungalow. The materials for the proposed development would be brick and stonework with roofing tiles and UPVC windows and doors. All materials would match the existing bungalow.

1.3 Revised drawings were received on 17 February 2016 to redesign the extension in order to reduce the overall height of the extension. The amendment also reduced the projection of the extension at the front in an attempt to make the extension subservient to the main house.

1.4 The application is brought to the Planning Committee as the application is made by a relation of a current member of

2.0 RELEVANT PLANNING HISTORY and ENFORCEMENT

2.1 No history

3.0 POLICY

Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
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
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Response date 11 February 2016: No comment on behalf of Morton on Swale Parish Council

4.2 Neighbours - No response, expiry date 15 February 2016

4.3 Site notice - No response, expiry date 19 February 2016

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties or the visual appearance of the host building.

5.2 The host building occupies a very spacious plot and as such there is sufficient space to accommodate the enlargement of the bungalow as proposed. The single storey extension to the side elevation is subservient to the main dwelling and is considered to be of an acceptable design.

5.3 In terms of the size and form of the host building, the size and siting of the extension is considered to be in proportion and would not have a harmful impact upon the character and appearance of the host building or the street scene.

5.4 Given the scale and form of the proposed extension and the separation distances to the neighbouring properties along with boundary screening, it is considered that the proposed extension would not have any significant impact on the amenities of neighbouring residents in terms of overlooking, loss of privacy or impact on daylight.

5.5 Taking all of the above into account it is considered that the proposal would not cause significant harm to the amenities of the neighbours or the appearance of the host building or the wider surroundings. The application is therefore recommended for approval.

6.0 RECOMMENDATIONS

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 0083/ (OO) 2/A: received by Hambleton District Council on 18 January 2016; unless otherwise approved in writing by the Local Planning Authority.
3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 18 January 2016 unless otherwise agreed in writing by the Local Planning Authority

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP1, CP16, CP17 and DOMEX.
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.

Parish: Newton on Ouse

Ward: Easingwold

10

Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 8 February 2016

15/02525/FUL

Engineering operation to form 11 fish farm ponds and construction of 2 polytunnels at Land To West Of Beeches Farm, Tollerton Road, Newton on Ouse for Christopher Rooke, RW Rooke & Sons

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is brought before Members of the Planning Committee as the applicant is the Ward Member for Easingwold and a member of the Planning Committee.
- 1.2 The proposed fish farm ponds and polytunnels would be positioned to the west of the public highway of Tollerton Road. The site size extends to a total area of 0.4 hectares. Access to the site would be via the existing access track from the public highway to the adjacent agricultural buildings.
- 1.3 The fish farm would be for private commercial purposes only and would not involve access by members of the public. Clarification is being sought as to how the farm would operate in terms of the feed inputs and stock and waste outputs to and from the enterprise.
- 1.4 The land is currently an agricultural field for crops.
- 1.5 The polytunnels would extend to 33.5m in length by 9.1m in width, with a total height of approximately 3m. The proposed ponds would vary in size but would extend to a total depth of 1.2m. A perimeter 2m high wire fence is proposed to enclose the site.
- 1.6 The primary operator of the site would reside at Beeches Farm to the east of the public highway.
- 1.7 The applicant advises that vehicle movements associated with the site would normally comprise one delivery of new fish or fry in the spring and one movement off the site of harvested fish in the autumn.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/109/0133 - Outline application for the construction of an agricultural workers dwelling; Granted 27 May 1997.
- 2.2 2/97/109/0133A - Construction of an agricultural workers dwelling; Granted 18 August 1997.
- 2.3 05/01981/FUL - Construction of an agricultural building; Granted 10 October 2006.
- 2.4 09/03917/FUL - Construction of a treated timber clad building for the storage of machinery and produce; Granted 26 June 2010.
- 2.5 There is no planning enforcement history.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - This Parish Council APPROVES this application with the following observations: Fence erected to prevent otters accessing the ponds. Consultation takes place with Newton on Ouse Angling Club.

4.2 Highway Authority - no objections.

4.3 Environmental Health - Further to your recent consultation I would advise you that I have no objection in principle to the above application. However this Service has in the past received complaint about the use of bird scarers at fishing ponds. It is noted that this is not an application for a fishing pond and that no mention is made of the proposed use of bird scarers. To allow for the control of audible scarers, should they be needed, I would recommend that the following condition be added, should permission be granted. 1. No audible scarers shall be used without the written approval of the local planning authority.

4.4 Environment Agency - no comments to make.

4.5 Yorkshire Water - It is noted from the information submitted, that surface water overflows from the ponds, are indicated to be drained into existing local land drainage system. Please seek comments from your Drainage Section (Land Drainage Authority) and/or local Internal Drainage Board (IDB - if one in area).

4.6 Internal Drainage Board - response awaited.

4.7 Site notice and neighbours - no responses received.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use, engineering operations and structures in this location, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, and any highway safety issues that may arise.

5.2 The applicant has advised that the proposed fish farm would be for private purposes, this is understood to indicate that the site is for growing fish from the size of fry to

small fish when they would be sold to other sites. It is understood that the site will not be used for angling and therefore there would be no reason for public access to the site.. The use would be associated with Beeches Farm where the applicant resides and which is located immediately east of the application site. The close proximity of the site to the applicant's residence coupled with the use being for private purposes mean that the development would be small scale, sustainable and would minimise the need to travel in accordance with policies CP1 and CP2. The proposal complies with the first exceptional circumstance of policy CP4 insofar as it is necessary to meet the needs of a business with an essential requirement to locate in the countryside due to the area of land involved for the business and serves to support a sustainable rural economy. The principle of the use is acceptable.

- 5.3 The below ground works would not harm the locality given the screening of the site by established hedgerows. The scale and design of the polytunnels, due mainly to the low overall height of the polytunnels, would not erode the visual amenity of the surrounding countryside. The works on site are considered acceptable.
- 5.4 The site is isolated from other property and the low intensity of the use would in any case not be likely to give rise to a loss of neighbour amenity.
- 5.5 The level of vehicle movements anticipated by the applicant appear 'low' for the size of operation proposed however considering the location of the site, and the existing access, and the potential to impose a planning condition regarding the use of the site for growing purposes and prohibiting angling the development would not give rise to an adverse impact on highway safety.
- 5.6 The application has been advertised by site notice, through the work of the Parish Council and on the Council's website. Although the Parish Council made reference to the potential interest of the proposal by Newton on Ouse Angling Club no response has been received from the Angling Club. Matters of security fencing against intruders/predators are for the operator and unless the security measures required planning approval would not be relevant to planning.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received by Hambleton District Council on 9 November 2015, 14 December 2015 and 5 January 2016 unless otherwise approved in writing by the Local Planning Authority.
 - 3. The ponds on the site may be used for the breeding and growing of fish and shall not be used for angling.
 - 4. No audible bird scarers shall be used without the written approval of the Local Planning Authority.

The reasons for the above conditions are:

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the principle of development in this location is acceptable, and that the use of the site does not give rise to amenity and highway safety issues.
4. In the interests of the amenities of occupants of residential property in the surrounding area in accordance with policy DP1 of the Hambleton Local Development Framework.

14/02609/FUL

Construction of 56 dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road at Land to rear of 56 Ainderby Road, Romanby for Persimmon Homes (Yorkshire) Ltd.

1.0 APPLICATION SITE AND PROPOSALS

- 1.1 The application site comprises land to the rear of 50-66 Ainderby Road with the proposals including the demolition of number 56 to allow access to the site. The site covers 1.8 hectares in total and lies to the south of St Paulinus Drive and St Cuthbert Drive, with The Green further to the north. On the northern boundary is an ash tree, which is protected by a Tree Preservation Order (ref: 15/00002/TPO). The application site is on various levels and undulates down to the southwestern boundary where a Waste Water Treatment Works is located.
- 1.2 The proposal is for the erection of 56 dwellings including four, four-bedroom houses; 31, three-bedroom houses; seven, two-bedroom houses and five, two-bedroom bungalows. Aside from the bungalows, the houses comprise of house types of two-storey form, some with a third floor in the roof space. The proposal includes 22 affordable housing units (39.2%) on a range of house types including three of the bungalows.
- 1.3 The proposed density would be approximately 31 dwellings per hectare with the proposal including two areas of open space.
- 1.4 The application is supported by a Design and Access Statement, Odour Assessment, Agricultural Land Classification Assessment, Planning Statement, Sustainability Statement, Drainage Feasibility Report and Flood Risk Assessment.

2.0 RELEVANT PLANNING HISTORY

- 2.1 76/0681/OUT - Outline application for residential development; Withdrawn 26 October 1976.
- 2.2 76/0705/OUT - Outline application for residential development; Refused 25 November 1976.
- 2.3 88/0140/OUT - Outline application for residential development; Refused 9 March 1989, Appeal dismissed 9 April 1990.
- 2.4 89/0394/OUT - Outline application for residential development; Refused 10 October 1989.
- 2.5 90/0177/OUT - Outline application for residential development: Refused 4 September 1990.
- 2.6 15/00005/TPO2 - TPO in relation to an Ash Tree (Tree Preservation Order 2015 No 5); Confirmed 2 June 2015.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
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 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 DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
Affordable Housing - Supplementary Planning Guidance – April 2015
Size Type and Tenure of New Homes - Supplementary Planning Document - Adopted September 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance
Written Ministerial Statement on Landscape - 27 March 2015

4.0 CONSULTATIONS

- 4.1 Romanby Parish Council - Object to the application on the grounds that the land is outside the development limits as set out in the Local Development Plan drawn up in 2011.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Yorkshire Water - No objection.

- 4.4 Yorkshire Wildlife Trust - The Drainage Feasibility Report is disappointing as there appears to be no attempt to use sustainable drainage options to support biodiversity, slow water flow into the surface water sewage system and improve water quality.
- 4.5 Environmental Health Officer - No objection.
- 4.6 Network Rail - No objection.
- 4.7 Police Architectural Liaison Officer - A series of recommendations are made in relation to crime and anti-social behaviour.
- 4.8 Public Rights of Way Officer - No objection subject to an informative ensuring that rights of way are not closed or diverted without notification and appropriate procedures being followed.
- 4.9 Ramblers Association - No objection.
- 4.10 NYCC Education Services - Sought a contribution of £190,344.00 [Section 106 contributions were replaced by the Community Infrastructure Levy during the course of this application].
- 4.11 Environment Agency - No objection - As the applicant states that they intend to dispose of surface water run-off to public sewer, all surface water drainage arrangements must be agreed with Yorkshire Water before development commences.
- 4.12 Housing Officer - This site lies beyond the development limits of Northallerton. Within Hambleton housing can be developed on rural exception sites on the edge of villages where it meets an identified local need. Such schemes are small in scale, circa 15-20 homes of which 100% must be affordable. The scale of development proposed in respect of this application far exceeds this level.

However, if this site was deemed acceptable in planning policy terms for open market housing there would be an affordable housing requirement and a number of Housing requirements would need to be met. The proposal has been assessed within this context below.

Percentage of Affordable Housing: Northallerton is a Service Centre in the Hambleton Settlement Hierarchy where there is an affordable housing target of 40% on any development sites of 15 or more residential dwellings. This proposal is for 56 homes of which 22 should be affordable unless evidence in the form of a development appraisal can be provided to show that this number would make the scheme unviable.

Tenure: The tenure split should be 70% for rent and 30% for intermediate tenure unless there is evidence supported by need and confirmed by a registered partner to support a different mix.

Distribution: To accord with policy the affordable homes should be dispersed across the site in clusters of no more than six to eight dwellings.

Space Standards and Transfer Prices: To meet the Council's affordable housing requirements the dwellings must be of a size that meets the Council's minimum standards or at least the nationally Described Space Standards, the dwellings must be transferred to a Registered provider at the Council's agreed Transfer price.

To meet housing need the affordable homes should be a mixture of two and three bedroom houses, predominantly two bedroom.

Market Housing Mix: The Council is also concerned to ensure that all housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth.

There is evidence to support the following market mix on larger market sites across Hambleton: 10% two bedroom bungalows, 10% one bedroom & 60% two & three bedroom homes. In September 2015 the Council adopted a Size, Type and Tenure of New Homes SPD setting out this target.

This proposal is for predominantly two and three bedroom houses which should offer more affordable accommodation for families, couples and first time buyers. The applicant is also proposing 5 bungalows (9% of the total) which is welcomed as this should improve the housing offer for downsizers

4.13 Public comment - A site notice was displayed and neighbouring residents were notified. In total 104 letters have been received from local residents over the course of the application. Some residents have written more than once as there have been a number of iterations and amendments to the proposed plans including a reduction in the number of units from 70 to 56. The principal reasons for objecting to the proposal are:

- The site is outside Development Limits;
- There is no need for further housing - especially with the North Northallerton Development Area and the loss of jobs in the area;
- Flooding and drainage solutions have not been demonstrated and the capacity of the sewerage and drainage system is inadequate;
- The concerns raised by North Yorkshire Police have not been addressed;
- There appears to be a lack of visitor parking allocation on the new plans. Where will all the cars end up, most likely half way up footpaths and on the corner of junctions;
- Doubts about the accuracy of supporting documents which indicate a higher level of development;
- Setting a precedent for further development of the area;
- The development would exacerbate traffic congestion in the area;
- The designs are out of keeping with the area with too many town house properties; and
- Inadequate school and health facilities to cope with additional demand.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development and the Council's housing land supply position; (ii) the likely impact of the proposal on the character of the area; (iii) residential amenity; (iv) flooding and drainage; (v) the likely impact on the protected tree; (vi) the likely highway impact and parking provision; and (vii) affordable housing.

The principle of development and housing supply

5.2 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure

choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.

- 5.3 In order to calculate the current five year housing land requirement for Hambleton it is necessary to take the Objectively Assessed Need (OAN) of 274 dwellings per annum calculated in the January 2016 Strategic Housing Market Assessment (SHMA) as a starting point. The SHMA uses a base date of April 2014.
- 5.4 Over five years this produces a need for 1,370 dwellings ($274 \times 5 = 1,370$). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog within the District, to be added to this requirement.
- 5.5 In order to ensure choice and competition in the market it is prudent to add a further 5% buffer to the 5 years' OAN figure as required by the NPPF. 5% of 1,370 is 68, so taking these elements together the 5 year housing land supply requirement for the District is 1,438.
- 5.6 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.7 This latest monitoring data shows a deliverable supply of dwellings over the next five years sufficiently high for the Council to be able to demonstrate double the required five year supply.
- 5.8 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.9 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.10 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.11 The site includes 0.5 ha Grade 2 and 0.5 ha Grade 3a agricultural land which are considered to fall within the "best and most versatile" (BMV) category. LDF Core Policy CP16 and NPPF paragraph 112 set a presumption against the loss of such land to development and where losses of BMV are necessary, this should be following a thorough assessment of the options through the local plan process. The loss of the Grade 2 and Grade 3a agricultural land is thus a factor against the proposal.
- 5.12 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

The impact of the proposal on the character of the area

- 5.13 The proposal has been through a series of amendments and alterations during the course of the application. As stated this has reduced the number of dwellings from 70 to 56. Even with this reduction and acknowledging that two areas of open space are proposed, the proposal would fundamentally and significantly alter the open and rural landscape on the edge of Romanby which would be contrary to Policy DP30 and weighs against the proposals, in accordance with the Written Ministerial Statement on Landscape, dated 27 March 2015.
- 5.14 The proposal has been amended during the course of the application to present detached and semi-detached properties to the rear of Ainderby Road, and whilst the outlook from these properties would change, it is considered that the proposal would achieve an appropriate relationship with the adjacent built up area.

Residential amenity

- 5.15 Yorkshire Water advises that it has a right of access to the Waste Water Treatment Works (WWTW) via an existing track which is located directly adjacent the site i.e. western boundary. Vehicular access, including large tankers could be required at any time and local residents, particularly those in the two additional properties closest to Wooden Hill Lane could be adversely impacted at times.
- 5.16 It is also noted that two additional houses would be located on the area proposed as a green space and hence closer to Romanby WWTW (as well as its access road) and so the applicant has reviewed an odour report originally produced in 2013, following a meeting with Yorkshire Water, in this regard. The additional two properties do not alter Yorkshire Water's opinion that future residents are unlikely to suffer a loss of amenity as a result of the proximity of the WWTW.
- 5.17 The comments of neighbours have been carefully considered and amendments sought in an attempt to address the comments raised.
- 5.18 The separation distance between plot 2 and 54 Ainderby Road would be approximately 13.5m with garden lengths for plots 5-11 (to the rear of 50- 54 Ainderby Road) ranging from 10.5m to 12.5m. At the nearest point (Plot 5) the separation distance to 54 Ainderby Road would be approximately 22.5m rising to 28m to 52b Ainderby Road. These distances would ensure that the amenities of neighbouring residents are not significantly adversely affected by the proposal.
- 5.19 The separation between the proposed bungalows and 62 and 64 Ainderby Road are approximately 15m and 13m respectively. Taking account of the form and orientation of the bungalows it is considered that they would have a satisfactory relationship with neighbouring dwellings and the amenities of adjacent occupiers would not be significantly affected in an adverse manner.

Flooding and Drainage

- 5.20 The comments of residents are noted and due to the proximity of the application site to Yorkshire Water's assets, the issues presented have been carefully considered by Yorkshire Water.
- 5.21 On surface water, Yorkshire Water highlights that the developer has confirmed that it is intended for surface water to drain to Willow Beck as there is no capacity in the existing public sewerage system for such water.

- 5.22 Whilst the comments of residents are noted the use of the Beck is considered to be a tenable and sustainable drainage solution in light of the comments provided by the Environment Agency and Yorkshire Water. Yorkshire Water recommends a planning condition for full details which could include details of management details to ensure that the Beck continues to be managed and maintained appropriately.
- 5.23 Flooding is a high profile issue due to recent events. The site is located in Flood Zone 1 at the lowest risk of flooding and therefore the measures proposed and the areas of open space included in the proposed layout are considered appropriate to address the national requirements and local planning policy with regard to flooding and the availability of infrastructure. It would therefore be inappropriate and unsustainable to justify a reason for refusal on these grounds in the absence of an objection from from Yorkshire Water or the Environment Agency.

The Impact on the Protected Tree

- 5.24 Tree Preservation Order 05/2015 applies to an ash tree on the northern boundary and was confirmed during the course of this application. The scheme has been amended to take account of this tree which is an important feature in the landscape.
- 5.25 The proposal includes two parking spaces under the crown of the tree but it is considered that suitable construction methodology (e.g. hand digging) could be used to ensure that there was no damage or compaction to the root system. Should all other matters be considered to be acceptable this could be dealt with by condition.

Highway Impact and Parking Provision

- 5.26 Residents raise concerns with regard to the parking provision and the capacity, safety and congestion of roads in the area and these have been carefully considered by Officers and the Highway Authority.
- 5.27 The proposal includes two parking spaces for each dwelling and as such provides an adequate level of parking provision and the Highway Authority raises no objection subject to conditions relating to provision of visibility splays.

Affordable Housing

- 5.28 The policy target for affordable housing in this location is 40% and the proposed development would 22 affordable housing units, 39.2% of the total, which is considered to be acceptable in this case. The majority of the proposed affordable units are fully compliant with the adopted SPD on affordable housing in terms of size and type. The bungalows are not wholly compliant with the SPD. However, the SPD does not make an allowance for a single storey property and the proposed floor areas are compliant with the national floor space standards for this type of dwelling. The application is considered to be acceptable in terms of the proposed affordable housing provision.
- 5.29 However it is normal to secure full details of the affordable housing content by means of a planning obligation under S106 of the Town and Country Planning Act 1990 and the absence of such an obligation can form a reason for refusal.

The Planning Balance

- 5.30 The applicant has sought to address questions raised about the design, layout and form of the proposed development and has offered affordable housing on site to meet the requirements of adopted policy in this regard. However, in the light of the current housing land supply, these matters are not considered to be outweighed by the harm

caused by the approval of what is considered to be un-sustainable development and as such the application is recommended for refusal for the following reasons.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Romanby and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP16, DP8, DP9 and DP30 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
 2. The proposal comprises a greenfield development including a significant proportion of Best and Most Versatile Agricultural Land. The proposal would therefore be a form of unsustainable development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP4, CP7, CP16, DP10, DP11, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015.
 3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.

15/02850/FUL

**Construction of three storey building for hotel and ancillary restaurant / bar, together with car parking and ancillary works.
at Land South Of Maple Gardens Topcliffe Road Sowerby North Yorkshire
for Premier Inn Hotels Limited.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms part of the Sowerby Gateway development site on Topcliffe Road, Sowerby. The infrastructure has been installed including the new roundabout in front of the site. Housing schemes have also been commenced in the vicinity with completion having been reached on parts of these developments.
- 1.2 The application proposal is for a 65 bed hotel (with a potential extension to 83 bed) over three storeys. The proposals are of a traditional brick and render design with a pitched roof. The application seeks three permissions in one. These are:
- a) 65 bed hotel and 83 car parking spaces, landscaping and associated works.
 - b) 83 bed hotel and 83 car parking spaces, landscaping and associated works.
 - c) An 18 bed extension to the 65 bed hotel after the completion of the original hotel.
- 1.3 The application is supported by plans, including landscaping plans, an economic supporting statement, design and access statement, written scheme of investigation, a community engagement document, sustainability statement, transport statement and travel plan, contamination assessment, planning statement and noise impact assessment.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The application site is part of the "Sowerby Gateway" proposals - the applications and submissions include the following:
- 2.2 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered; Granted 21 August 2012 subject to conditions and a section 106 agreement.
- 2.3 13/02427/REM - Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works; Approved 17 March 2014.
- 2.4 14/01945/REM - Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links; Approved 26 March 2015.

- 2.5 15/00005/CAT3 - Breach of planning condition relating to the timescale for the completion of the off-site highway works. Planning Committee resolved on 13 November 2014 to press the developers to submit an early application for a variation of the highway conditions 34 and 35 for the Sowerby Gateway development; and the need for enforcement action be deferred until the outcome of the application.
- 2.6 15/00145/MRC - Variation of conditions 34 and 35 of application reference number 10/02373/OUT- relating to highway improvements and widening of mini roundabout. Granted 29 October 2015
- 2.7 15/00146/MRC - Variation of Condition 9 of Application 11/01435/FUL - improved junction - Granted 08 June 2015
- 2.8 15/00274/REM - Reserved Matters application for food store and associated landscaping and car parking Granted 19 June 2015
- 2.9 16/00158/CLP - Certificate of Lawfulness for mixed use development of bungalows apartments (Use Class C3) and retail units - Granted.

3.0 **RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP13 - Market towns regeneration
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP20 - Approach to town centre development
 Development Policies DP22 - Other town centre uses
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP39 - Recreational links
 Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010
Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010
Allocations Document Policy TM2D - South West Thirsk Area - East of Topcliffe Road, Sowerby - adopted 21 December 2010
Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010
National Planning Practice Guidance

4.0 **CONSULTATIONS**

- 4.1 Thirsk and Sowerby Parish Councils both support the proposals.
- 4.2 North Yorkshire County Highways – No objection subject to conditions
- 4.3 Yorkshire Water - No objection subject to conditions
- 4.4 Environmental Health - no objections to the development. However, due to the potential for noise impact on local amenity from plant servicing the building more detailed information is required, once plant selection is finalised, to confirm the suitability of the initial mitigation measures detailed in para. 4.8.1 of the applicant's noise report.
- 4.5 Police - No objection - many of the recommendations made may be outside the remit of planning but suggest a condition requiring full details of how crime prevention has been considered and incorporated.
- 4.6 Neighbours have been notified, a press notice has been published and a site notice has been displayed. No responses have been received.

5.0 **OBSERVATIONS**

- 5.1 The key determining issues are the principle of development and relationship to the outline planning permission, the design and layout, highways and car parking, noise and relationship to proposed residential developments, drainage and flooding, archaeology, and any other matters arising.

The Principle of Development and Relationship to the Outline Planning Permission

- 5.2 The outline planning permission arises from the strategic allocation of a mixed use urban extension around this area of Sowerby.
- 5.3 The proposals are in accordance with the aims of the allocation and outline planning permission. Whilst the proposals are sought through an independent planning permission rather than a Reserved Matters submission, there are no objections in principle. The application site is within the scope of the outline permission within area of the 'neighbourhood centre', for an out of centre hotel which would act as an entrance to the town from the south.
- 5.4 As stated above, the proposals are in effect three planning permissions. The proposals to include an additional 18 bedrooms would be welcomed and the extension area would use an area of landscaping that would be designed to be sacrificial. The proposals are considered acceptable in principle either as a 65 or 83 bed hotel.

The Design and Layout

- 5.5 The proposals have been amended following detailed comments on pre-application and on the original submission which was amended on 22nd February 2016. The amendments include the introduction of additional steps into the building to break up the mass and roof; omission of corner tower feature, a reduction in height and an increase in width of front entrance gable; introduction of additional projecting gable to front and rear of the building; additional glazing to ground floor restaurant on the south west corner of the building; introduction of roof overhang to Topcliffe Road elevation; relocation of compound; relocation of customer cycle parking to be adjacent to the entrance of the building; provision of a pedestrian link from the hotel entrance to the site spine road and to connect to footways on Topcliffe Road. There were also minor alterations to car park layout and the creation of an outdoor seating area.
- 5.6 Overall the amendments have secured a more logical built form and design and will provide a satisfactory response to the constraints of the site and provide a high quality response to this prominent and important site. The proposed designs are acceptable under the terms of LDF Policy CP17 and DP32.

Highways and Car Parking

- 5.7 The proposal includes the provision of 83 car parking spaces (including 5 disabled parking spaces) and cycle provision for staff and visitors. The number of parking spaces would be unaffected as to whether the 65 or 83 bedrooms would be built on the site.
- 5.8 Infrastructure has been built in the area to accommodate the level of movement and traffic associated with the outline planning permission and the proposals would provide an appropriate level of car parking on the site. The proposals would therefore be satisfactory in terms of parking and highway safety.

Noise and Relationship to Residential Developments

- 5.9 The comments of Environmental Health Officers regarding noise from the operation of fixed plant have been carefully considered. Physically the building, whilst three storeys, would be separated from the neighbouring residential properties (as approved) and therefore the proposals would not result in loss of light, privacy or be overbearing to residential proposals. The parking and layout would also include appropriate landscaping and boundary treatment to mitigate deliveries and car movements.
- 5.10 The key aspect will be the noise of the air conditioning units and the commercial kitchens. In accordance with the recommendations of the Environmental Health Officers and the submitted noise assessment, conditions are therefore added.
- 5.11 The proposals would therefore be acceptable and not harm the amenities of neighbouring residents as proposed.

Drainage and Flooding

- 5.12 Yorkshire Water records indicate a 250mm diameter live water main crosses part of the red line site boundary. It is recommended that no obstruction encroaches within 5 metres on either side of the main i.e. a protected strip width of 10 metres and a condition is added.

- 5.13 Yorkshire Water also confirms that a foul water domestic waste discharge to public sewer network was completed in Feb 2015 to serve the development. The sewer discharges via a pumping station located near the site, and this pumping station discharges to the 525mm diameter public sewer recorded in Sandholme Lane. Surface water will discharge via soakaway.
- 5.14 Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
- 5.15 Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through oil, petrol and grit interceptor/separator of adequate design before any discharge. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.
- 5.16 Overall, subject to conditions there are no objections raised to the proposals in relation to flooding and drainage.

Archaeology

- 5.17 The proposed development lies within an area of known archaeological potential, evidenced from the results of previous archaeological evaluation undertaken by On Site Archaeology. The applicant has proposed to undertake an archaeological watching brief during the proposed development as a suitable form of mitigation and has submitted a Written Scheme of Investigation to this end. The County Archaeologist advises that this is a suitable level of archaeological mitigation. A condition is recommended to be applied to any permission to reflect the advice of the County Archaeologist.

Crime and Police Recommendations

- 5.18 The comments of the Police Architectural Liaison Officer have been carefully considered. Many of the comments are outside the planning remit (e.g. lock specification comments, safes, windows and glazing) with others dealt with through other legislation. It is therefore considered that whilst noted, a condition would be unnecessary in this instance. It is noted that the Police raise no objections in principle as a result of the proposed designs and layouts.

Local Financial Considerations

- 5.19 Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications, so far as they are material to the application. The Housing and Planning Bill also proposes similar requirements.
- 5.20 The construction expenditure on the proposed scheme is estimated to equate to approximately £5.0 million. Based on Whitbread's experience of working on similar hotel projects in the North of England, it is expected that the construction of the proposed development will support approximately 60 full-time equivalent (FTE) temporary (gross) jobs over the build period, which is estimated to last up to 10 months. The construction on site would thus itself provide 50 person-years of employment.
- 5.21 Upon completion, the proposed development will itself generate direct employment opportunities associated with the operation of the business. It is anticipated that the development will initially comprise a 65 bedroom hotel with a 66 cover restaurant. In time the hotel could be extended to 83 bedrooms. Initially the development will create

30 direct FTE permanent jobs. This will increase to 32 direct FTE permanent jobs on completion of the extension.

5.22 The 65 bedroom hotel will provide accommodation for an estimated 23,230 overnight stays a year, there is the potential to attract substantial visitor spending of around £1.01m, to the benefit of the local economy.

5.23 There are additional indirect benefits (e.g. jobs and spend) as a result of the proposals which are estimated at 123 jobs to the wider region and additional viability to shops and services from visitor stays.

6.0 RECOMMENDATION:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans. Either as:

a) Development of a 65 bed hotel, car parking and associated works. -

Proposed ground floor plan (ref: A600(B)) -

Proposed upper floor plans (ref: A601(A)) -

Proposed elevations 1 of 2 (ref: A602(H)) -

Proposed elevations 2 of 2 (ref: A603(H)) -

Proposed site plan (ref: A604(B)) -

Proposed Landscaping (ref: JBA15 336-03 Rev B)

Or

b) As an 83 bed hotel, car parking and associated works. These plans are:

- Proposed ground floor plan (ref: A100(F)) -

Proposed upper floor plans (ref: A101(D)) -

Proposed elevations 1 of 2 (ref: A102(H)) -

Proposed elevations 2 of 2 (ref: A103(H)) -

Proposed site plan (ref: A201(I)) -

Proposed Landscaping (ref: JBA15 336-04 Rev B)

Or

c) Should Development a) be completed, an 18 bedroom extension could be completed in accordance with plans referenced in part b) of this condition.

3. a) Prior to the commencement of work on the development hereby approved a detailed Construction Phase Method Statement (including parking site operatives, hoardings, materials storage and measures to prevent mud on the highway), shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the agreed Method Statement unless otherwise agreed in writing with the Local Planning Authority.

4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

5. Prior of commencement of development above slab levels details of the red multi facing brick and roof tiles, ground cover materials, fascia, windows

and doors and rain water goods shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details alongside those shown on the approved plans.

6. a) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation prepared by Wardell Armstrong (ref: CP11552_WSI/001 Dated October 2015).

b) The development shall not be occupied until a validation report has been submitted to and agreed in writing by the Local Planning Authority that development has been carried out in accordance with the programme set out in the Written Scheme of Investigation approved under part a) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

7. Prior to completion of built development details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, inter alia, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

i) Mitigation to ensure that the proposed systems and methods are designed and operated to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding "marginal significance" at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' (or any succeeding guidance or legislation).

ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.

iii) Flues serving commercial hot food cooking points

iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.

v) External appearance and appropriate design features to visually disguise plant and machinery.

b) Agreed details shall be implemented prior to the first use and shall thereafter be retained in accordance with the approved details and in accordance with the manufacturers or other agreed maintenance regimes.

8. Within 3 months of the first occupation of the development the submitted Travel Plan (RLR/WHIT/15/2819/TP02 dated December 2015 prepared by RGP - Transport Planning and Infrastructure Design Consultants) shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including methods of delivery, review, and monitoring of the measures in the Travel Plan. The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan to meet the objectives of the Travel Plan.

9. No part of the development shall be brought into use until the approved vehicle and cycle 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.

10. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

11. No building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the 250mm diameter live water main, which crosses the site.

12. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) or deliveries associated with demolition, construction or engineering works, shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or succeeding Orders, the hotel (Use Class C1) shall not be converted to residential use (Use Class C3).

14. a) The landscape scheme shown on plans JBA15 336-03 Rev B and JBA15 336-04 Rev B shall be implemented in the first planting season following the first occupation of the hotel. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- i) grassed areas shall be maintained in a tidy condition;
- ii) planted areas shall be maintained in a tidy condition;
- iii) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- iv) any damage to protective fences shall be made good.

15. No discharge of water from any commercial kitchen or food preparation area shall occur unless a grease trap has been installed in accordance with details that have previously submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be retained and maintained in accordance with the manufacturer's recommendations.

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. To define the permission

3. In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

4. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading
5. To ensure satisfactory development and appearance of the application site.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
7. To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.
8. To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.
9. To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.
10. In the interest of satisfactory drainage
11. In order to allow sufficient access for maintenance and repair work at all times.
12. In the interests of the amenity of existing and potential residential occupiers in the vicinity.
13. The proposals are not suitable for permanent residential occupation as it is designed for temporary visitor accommodation and represents an important commercial site and the economic losses of change to other uses would need to be assessed fully.
14. To ensure that the development is delivered and managed to an appropriate standard and to ensure satisfactory appearance of the site.
15. To reduce the potential for pollution arising from obstruction to the sewerage system in accordance with the LDF Policy CP21.

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Parish: Sutton on the Forest

Ward: Huby

13

Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 25 January 2016

15/02697/FUL

**Conversion of existing building to form new dwelling together with change of use of buildings/land to domestic
at Woods Farm, Main Street, Sutton on the Forest
for Mr & Mrs D Mitchell Innes**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application relates to the conversion of existing domestic ancillary buildings to the north of the dwelling at Woods Farm, Sutton on the Forest, to form a dwelling-house. The buildings are positioned in a horseshoe formation.

1.2 The dwelling would be accessed via a shared driveway from the public highway adjacent the eastern elevation of Woods Farm. The agent has been asked to clarify what rooms the ground and first floor windows to this elevation serve.

1.3 The proposed dwelling would comprise 4 en-suite bedrooms, kitchen/dining area, lounge, tv/snug area, games room/gym, and a guest suite.

1.4 Boundary treatment to a height of 1.8m is proposed between the south of the courtyard between the proposed dwelling, and the parking/turning area for Wood Farm house to the south.

1.5 Parking for the proposed dwelling would be adjacent the north-eastern corner of the proposed dwelling-house.

1.6 The structural report submitted in support of the application concludes: "the barns and outbuildings are generally in a reasonable structural condition to be converted into a residential property, with obvious localised repairs as noted above and new roof coverings".

1.7 A protected species survey submitted in support of the application concludes: "the survey found evidence of roosting Natterer's and Common Pipistrelle bats in the North Building. No evidence of roosting bats was found in the other two buildings. The North Building was also used by nesting Swallows. Without mitigation the proposals would result in the loss of bat roosts and nesting sites for Swallows. Should planning consent be granted it will be necessary to also obtain a European Protected Species licence for bats before any work commences on the North Building. A draft mitigation method statement has been included."

1.8 The site is located within the Sutton on the Forest Conservation Area but outside Development Limits of the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/74/144/0007 - Outline Application For The Construction Of A Bungalow On An Approved Site For Two Storey Dwellinghouse; Granted 1974.

2.2 2/74/144/0007A - Details Of The Construction Of One Detached Bungalow And Garage; Granted 1975.

2.3 2/77/144/0043A - Alterations To Existing Agricultural Building For Use As Child Minding

Premises; Granted 1977.

2.4 2/77/144/0043 - Use Of Part Of Ground Floor Of Existing Dwellinghouse For Childminding Purposes; Granted 1977.

2.5 2/96/144/0043C - Extension to existing dwelling; Granted 1996.

2.6 2/00/144/0043D - Ground floor extension to existing dwelling; Granted 2000.

2.7 2/04/144/0043E - Alterations and single storey extension to existing dwelling; Granted 2004.

2.8 CAT2/05/144/0043F - Proposed felling of 1 Sycamore tree; Granted 2005.

2.9 11/01805/FUL - Installation of Photovoltaic Panels to roof of Pole Barn for use in a domestic dwelling; Withdrawn 2011.

2.10 11/02167/FUL - Revised application for the installation of Photovoltaic Panels for use in a domestic property; Granted 2011.

2.11 12/00042/CAT - Proposed felling of one Horse Chestnut tree; Granted 2012.

2.12 13/02596/CAT - Proposed removal of ash tree; Granted 2014.

2.13 There is no planning enforcement history.

3.0 NATIONAL AND LOCAL POLICY:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP10 - Form and character of settlements
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP43 - Flooding and floodplains
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - Subject to the Highway Authority's usual concerns over the safety of access across the footway so close to the primary school being satisfied the Parish Council

has no objection to the proposal.

4.2 NYCC Highways - recommend conditions relating to: provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.

4.3 MOD - no objections.

4.4 Yorkshire Water; expired 23.12.2015 - no responses received as at 15.03.16

4.5 Neighbours notified and site notice posted; expired 29.12.2015 - no responses received as at 15.03.16.

4.6 Press Advert (departure from development plan) - publication awaited.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, outside development limits, together with an assessment of the likely impact upon the character and appearance of the village conservation area, highway safety and neighbour amenity.

The site falls outside the Development Limits for the village of Sutton on the Forest as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

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

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

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

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.

3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

5.5 Sutton on the Forest is defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Sutton it is noted that this development would re-use the existing built form and would not detract from the character, appearance and settlement pattern in the locality.

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be within a field that forms an important open space within the village and which contributes to its rural character. The following detailed advice within the IPG is considered to be relevant:

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

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

5.7 The buildings subject of this scheme are agricultural in appearance but have been used for ancillary domestic purposes in recent years. The proposed conversion would retain the agricultural character of the buildings and would not have a detrimental impact on the setting of the Conservation Area.

5.8 As such it is considered that the development proposed will appropriately respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

5.9 No objections have been received from the local highway authority regarding the intensification of the existing access or the crossing of the footway. It is considered that the proposed development would not adversely impact highway safety.

5.10 The internal layout of the proposed dwelling and the separation distances and relationship to adjacent property is such that there would not be an adverse impact on residential amenity. The window openings to the ground and first floor of the eastern elevation of the existing dwelling are noted. Whilst the access track is relatively narrow at this point, the vehicle movements associated with the dwelling would not erode neighbour amenity to a harmful level.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received by Hambleton District Council on 30 November 2015 and 1 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 4 above.
6. 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.
7. No dwelling shall be occupied until the boundary walls, fences or other means of enclosure have been constructed in accordance with the details submitted to Hambleton District Council on 30 November 2015 as part of drawing number 2052/05A unless otherwise agreed in writing by the Local Planning Authority. 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. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 2052/05 Rev A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation

or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: 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. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

12. Prior to the first use of the development hereby approved all measures detailed within the method statement of the Bat Survey Report produced by John Drewett Ecology received by Hambleton District Council on 30 November 2015 shall be carried out in full to the satisfaction of the Local Planning Authority and thereafter be maintained in accordance with the approved details.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.

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

4. 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. 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 DP32.

7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

8. To 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 Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the character and appearance of the building and its contribution towards the visual amenity of the locality in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
12. To ensure that the local bat and bird population is not adversely affected by the proposal.

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Parish: Thirsk
Ward: Thirsk
14

Committee Date : 31 March 2016
Officer dealing : S Leeming
Target Date: 17 February 2016

15/02851/FUL

Revised application for the construction of a detached bungalow and associated parking as per amended plans received by Hambleton District Council on 24 February 2016. at 131 Long Street Thirsk North Yorkshire YO7 1BB for Mr Mark McColmont

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks permission to construct a detached single storey bungalow on land to the rear of 131 Long Street Thirsk. The bungalow is proposed with 3 bedrooms. It is proposed to be accessed through an archway between 129 and 131 Long Street and the parking area is proposed to be sited to the eastern side of the bungalow with the main garden area to the western side. The plans have been amended to address pedestrian safety issues and now include some resurfacing outside the archway on the existing highway and pavement to have 2 different coloured block paving with buff paving across the entrance and brindle tactile paving to either side of it.

1.2 The proposed bungalow is to be of brick and slate construction. A further block plan is awaited to clarify the extent of the domestic curtilage.

2.0 RELEVANT HISTORY

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

2.2 15/01334/FUL - Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30th July 2015. Refused 2015.

2.3 15/00205/CAT3 - Enforcement Case currently under consideration relating to the use of the land to the rear as domestic gardens.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all

4.0 CONSULTATIONS

4.1 Thirsk Town Council wish to see refused.

- 1) This is back-land development on land which is in the Conservation Area and is not included in the LDF.
- 2) The entrance and exit to the site is through a narrow tunnel and there is no sightline for crossing the footpath immediately outside the tunnel.

- 3) To access and leave the site it is necessary to cross not only the footpath but also the cycle track and the access is then close to the pedestrian crossing on the A61.
- 4) The tunnel is only 2.7 m wide. This could not accommodate a fire engine.
- 5) The land where the building is proposed is very close if not actually in the flood plain and building here would increase the likelihood of flooding in this area.
- 6) We understand that some of the neighbours have not received any notification of the application.

4.2 NYCC Highways - comments on amended plans/access surfacing awaited. Response on plans as submitted initially "The Local Highway Authority has previously considered a proposed development at this location and recommended conditions. That recommendation mostly remains applicable and the relevant conditions are included here. The Local Highway Authority recommends conditions"

4.3 Yorkshire Water comments that "there is a small diameter public combined sewer recorded to cross part of the proposed access road. In this instance, it would appear that the public sewer is unlikely to be affected by building-over.

SURFACE WATER - Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse, then to public sewer, in this priority order. To prevent over-loading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off. On-site storage/balancing - or some other means of attenuation of the surface water may be required.

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991."

4.4 Historic England - no comments

4.5 Neighbours - 7 local residents have made comments in respect of this proposal. All object to the proposal and the reasons for this include the following

- a) Dispute over the facts relating to the previous use of the access by vehicles. It is felt that this was used primarily by pedestrians only
- b) Introduction of bollards (as initially proposed) considered to be "an accident waiting to happen on this footpath"
- c) Further information required regarding tactile paving proposed as it will need to be wheelchair friendly
- d) Some concern about accuracy of submitted site plan meaning that NYCC Highways may not be able to make an accurate assessment of vehicle/pedestrian safety
- e) The bungalow will be within 20m of the neighbour's bedroom
- f) Within Conservation Area but may set a precedent for future "back-fill applications"
- g) Objections raised when previous scheme was refused will still stand now.
- h) Building close to the flood plain "would leave Bradbury Close vulnerable to flooding".

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing development on this site, in particular noting the fact that the location of the bungalow proposed falls outside the Development Limits for the town and are also situated within the Conservation Area where its impacts upon the character and appearance of the area need to be assessed. This is in addition to any impact the proposal may have upon the amenities of the neighbours, impact upon highway safety and the visual impact and design of the proposal. It is also important to ensure that the previous reasons for refusal have been adequately overcome.

5.2 Relating to the principle of allowing this development, it is noted that the site is closely related to the main built up area and development limits of the town. The bungalow proposed is sited roughly in line with the existing dwellings on Bradbury Close immediately to the south. As such it is considered that the construction of dwellings on the site proposed will in

principle be acceptable due to its location and its relationship with the existing built up area of the town. It must be noted that the Interim Housing Policy Guidance does not include residential development on the edge of development limits within Market Towns so cannot be given any weight in this case.

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

5.4 Due to the location of the site there is concern that this is an example of "back land Development" bringing with it a number of likely concerns and problems associated with such proposals, for example noise and disturbance and overlooking impact, particularly upon the dwellings to the front of the site. It is noted that the occupants of these dwellings have no objections to the proposal and also noted that the applicant owns one of them (131). The proposed bungalow with its main windows to living rooms on the front and rear elevations and the western elevation overlooking its own domestic garden area will not result in any major overlooking of the dwellings along the frontage but it is noted that there are also 3 windows on the eastern elevation that will overlook the garden area of 131. However the boundary to this garden is formed by a 1.8m high fence and a hedgerow is also proposed here. The bungalow is of sufficient distance away from the neighbours to the sides to not result in any significant overlooking or loss of privacy.

5.5 The vehicular access will result in a possible harmful impact upon the amenities of the neighbours particularly those to either side of the access at 127, 129 and 131 Long Street. The vehicular access which will serve the new bungalow (in addition to possibly the 3 existing dwellings that do have vehicular rights to use it but presently park on the highway at the front) will lead to an increase in the number of car movements per day past these properties. The access will run directly adjacent to the dwellings at 129 and 131 and underneath the upper storey of 131. The agent has clarified that there has been the addition of soundproofing to the archway itself but the rear of these properties, as well as their rear external courtyard areas are likely to suffer from a harmful impact of noise and disturbance from use of the access road. In addition and to a lesser extent the use of the access track and turning circle may also result in noise and disturbance to the residents of neighbouring Bradbury Close. Overall, and in contrast to the previous application where 3 dwellings were proposed, the introduction of a single dwelling, whilst resulting in an increase in vehicle movements is not considered to be to an extent where the increase in vehicle movements would result in significant harm to the neighbours' amenities (although it must be noted that the bungalow proposed due to its size and number of bedrooms may well be occupied by a family with more than one car).

5.6 There is also the concern that the use of the access may again result in the highway safety concerns that were previously highlighted in the refusal of consent. There is a lack of visibility on exiting the archway resulting in possible safety issues for pedestrians walking on the pavement outside. As a pedestrian there is currently no indication and no view of the archway, meaning that pedestrians have no warning of a vehicle exit ahead. The Agents have now amended the proposal from the installation of bollards on the pavement outside the archway to instead application of differing surfacing treatments which will clearly indicate to the pedestrians that a vehicular access is present. The comments of NYCC Highways on the amended proposals are awaited in order to confirm whether the safety of pedestrians and access users has adequately been protected.

5.7 The proposed dwelling is to be constructed of brick and slate with timber detailing and timber windows and doors which is considered acceptable. It is of a fairly simple design but is considered to appropriately respect its general surroundings.

5.8 Approval is therefore recommended for this proposal subject to the Highways Authority finding the amended access surfacing details acceptable.

6.0 RECOMMENDATION:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PP02A and PP03 received by Hambleton District Council on 23 December 2015 and 24 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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 24 February 2016 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. 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.

6. 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 a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The statement shall include arrangements for the following: -Protection of footway users at all times during construction -Removal of materials from the site. -Delivery of

materials and plant to the site. - Loading / Unloading of materials and plant. - Storage of materials and plant - Parking of contractors vehicles. -Likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.

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) DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. 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 DP1.
5. In accordance with Policy DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. For the safety and convenience of highway users

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15/02719/FUL

Construction of an agricultural workers dwelling to include caravan park reception area at Canada Fields, Moor Lane, Yafforth for Mr Kevin Tiplady

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the south-west of the B6271, in open countryside. The land falls to the south-west. There is a band of mature trees along the roadside. The complex includes a set of portal framed buildings located immediately to the south-west of the tree belt, each side of a concrete yard area, and a further L shaped portal frame building located approximately 100m south-west of the entrance. Adjacent to the yard there is a static caravan with attached timber outbuilding, including a reception office for the touring caravan site.
- 1.2 South-west of the main buildings there is a caravan site with hard-standings, a utility building and office building currently associated with the caravan site, and a pair of small fishing lakes, served by an access track from the main entrance.
- 1.3 The proposal is a new agricultural dwelling, located on the south side of the access track to the caravan site. The proposed dwelling is 2 storey, with the upper storey mainly contained within the roof, and served by dormer windows and a gable projection on the approach elevation. The proposal includes a single storey wing on the north-east side which includes an office and caravan site reception.
- 1.4 The proposed materials are brick and clay pantiles to the roof. A landscape belt is indicated on the open sides of the dwelling of approximately 5m width.
- 1.5 As amended the proposed house is turned through 90 degrees to face toward the entrance to the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Planning History

- 2.1 2/96/161/0040 - Construction of an agricultural building for the accommodation of livestock; Granted 27 November 1996.
- 2.2 2/01/161/0040A - Construction of an agricultural building for the accommodation of livestock; Granted 21 December 2001.
- 2.3 2/02/161/0040B - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Withdrawn 17 December 2002.
- 2.4 2/03/161/0040C - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Granted 3 February 2004.
- 2.5 10/00342/FUL - Retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Withdrawn 17 August 2010.
- 2.6 10/02889/FUL - Revised retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Refused 6 April 2011 and Appeal dismissed

22 December 2011.

- 2.7 10/02878/APN - Application for Prior Notification for the construction of a steel portal framed agricultural building; Refused 5 January 2011.
- 2.8 10/02889/FUL - Revised retrospective application for the siting of a caravan (as altered) to be used as an agricultural workers dwelling; Refused 6 April 2011 and Appeal dismissed 22 December 2011.
- 2.9 11/00061/FUL - Revised application for the construction of a general purpose agricultural storage building; Refused 6 April 2011.
- 2.10 12/01131/ADV - Application for advertisement consent for the retention of 2 non illuminated signs; Granted 20 July 2012.
- 2.11 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans; formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building; Granted 20 July 2012.
- 2.12 12/01401/FUL - Retrospective application for the siting of a caravan to be used as a temporary agricultural workers dwelling and extensions to form additional living accommodation; Granted 15 October 2012 until 31 December 2014.
- 2.13 12/01851/FUL - Construction of an agricultural livestock building; Granted 1 March 2013.
- 2.14 14/00159/FUL - Access track and hook up facilities to accommodate 10 additional touring caravans at existing caravan site; Granted 2 May 2014.
- 2.15 14/01578/FUL - Construction of agricultural building for storage of manure; Granted 18 September 2014.

Enforcement

- 2.16 09/00331/CAT3 - Unauthorised change of use for siting of a residential caravan (and associated structures). Appeal dismissed 22 December 2011. (Application ref 12/01401/FUL refers).
- 2.17 10/00044/CAT3 - Siting of static caravan; summer house; Closed 10 April 2013. (Application 12/01132/FUL refers).

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 CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No response.
- 4.2 Neighbours and site notice - No observations received.
- 4.3 Highway Authority - No objections.
- 4.4 Yorkshire Water – No response.

5.0 OBSERVATIONS

- 5.1 The site is beyond the Development Limits of any settlement where under CP4 of the Local Development Framework, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception to the principles of sustainable development contained in policy CP1 and policy CP2.
- 5.2 The NPPF notes (paragraph 55) that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Council's policy in CP1, CP2 and CP4 is therefore in accordance with this aspect of the guidance of the NPPF.
- 5.3 The main issues to consider are (i) whether it is demonstrated that there is an essential need for an agricultural worker to reside on site and whether the enterprise is likely to be sustained into the foreseeable future. Other planning issues to be considered are (ii) design and landscape impact; and (iii) highway safety concerns.

Essential need and sustainability of the business

- 5.4 The existing enterprise at Canada fields is based on livestock. The main business is rearing pigs which are bought in and raised for approximately 9 weeks and presently involves approximately 1,800 animals. The welfare of animals is generally accepted as needing close attention, and whilst this is not a breeding enterprise which might be expected to require attendance at any time of day and night, the number of animals involved in this case was accepted by the Inspector at a previous appeal (10/02889/FUL) as amounting to a justified functional need. The Inspector noted:

"However, whilst the number of night time 'incidents' is not great - I heard that there have only been 2 such events in the last 10 months - one could have had potentially serious repercussions. In the light of this, and having regard to the livestock numbers involved, it seems to me that having someone close to hand at most times would assist the proper functioning of the enterprise to the extent that it amounts to a functional need".
- 5.5 Livestock continues to be the mainstay of the enterprise at Canada Fields. The supporting information submitted indicates an ongoing arrangement with the current pig suppliers, which while not a contract, indicates clearly the arrangement is expected to continue. Since the approval for a temporary dwelling, there has been an increase in the number of breeding ewes on the holding and bearing in mind the previous view of a planning inspector that the enterprise demonstrated a functional need, an essential need for an agricultural worker to be present is accepted.
- 5.6 To justify a permanent dwelling it is reasonable to require that it be demonstrated that it is necessary for a worker to be available all or most of the time. The applicant puts forward with this application a comparison between three authorities on agricultural

farm management, NIX, ABC and SAC. Whilst various elements of the combined enterprise (with the applicants holding at Carvin Tor) are included, the standard hours for dealing with the pigs alone are considered and the three authorities each show a standard labour unit over 1 (average 1.7fte workers).

- 5.7 Supporting information put forward with the current application states that the sheep flock has increased from 170 to 250 'mule ewes', producing 425 fat lambs per annum. The information states that the lambing takes place at Canada Fields in the pig building, with one bay left free for pigs in the interim.
- 5.8 Taking all these points into account, it is concluded that the applicant has reasonably demonstrated a functional need for an agricultural workers dwelling on the site in connection with farming of the scale and type described.
- 5.9 A dwelling would not be sustainable in this location unless the enterprise is financially sound and has a good prospect of remaining so. Profit and loss accounts submitted with the application show losses in recent years when there has been heavy capital expenditure on the development of new buildings on site, with projected profit being made 2016 because there is no capital expenditure projected for the year. The pig enterprise is shown to be capable of being profitable and there is no reason to suppose that it would not continue to be so, with the benefit of new buildings already provided.
- 5.10 The existing enterprise is well established and demonstrates a commitment to the agricultural development of the site and shows an essential need and business viability to justify a dwelling.

Siting and design

- 5.11 The proposed dwelling is a dormer bungalow and while the design is not characteristic of traditional agricultural dwellings, it has the benefit of being relatively inconspicuous and by use of traditional brick materials and clay pantiles will blend into the surroundings. Its relatively modest scale is appropriate to the essential needs of the farm, and the additional office function, which in the circumstances of this enterprise is acceptable. It is located in close proximity to existing buildings, and will not be harmful to the open character of the rural surroundings, particularly taking into account the proposed landscaping belt. As amended the siting would allow surveillance of the entrance.

Highway safety

- 5.12 The NYCC as highway authority make no objection to the proposal and on this basis the proposal does not give rise to any concerns about highway safety.

6.0 RECOMMENDATION

- 6.1 It is recommended that Planning Permission is **GRANTED**, subject to any outstanding consultation response(s) and 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 111:15/01 Rev D received by Hambleton District Council on 28 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 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.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. 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.
7. 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 6 above.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. 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 or other rural enterprise in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

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Parish: Thrintoft
Ward: Morton on Swale
16

Committee Date: 31 March 2016
Officer dealing: Mrs H M Laws
Target Date: 8 April 2016

15/02501/FUL

Proposed change of use of agricultural land to domestic and construction of one bungalow at Thrintoft Grange, Thrintoft for Pilcher Homes Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies on the north western edge of the village with vehicular access gained from an existing farm track off Bramper Lane. The site is currently used as an area for the storage of farm equipment and forms part of a farmyard area in association with the adjacent agricultural building. The southern boundary of the application site abuts an adjacent property known as 4 Chapel Garth, which is a converted chapel and a grade II* listed building.
- 1.2 It is proposed to construct a single storey bungalow with 3 bedrooms. Amended plans have been received, which reposition the dwelling within the plot and delete the attached garage to address the initial concerns expressed by Historic England relating to the impact of the proposed development on the adjacent listed building.
- 1.3 The dwelling would be finished in brickwork and pantiles with upvc doors and windows. It is proposed to plant a hawthorn hedgerow along the new boundary with the adjacent field.

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 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 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 - my response is rather detailed as I am trying to convey the mixture of conditional support but real concerns. Looking at the proposal it appears that the barns will remain and the bungalow will occupy the site as per the original plan. If the barns remain Mr Philips is going to have some very unsightly views from certain elevations.
- 4.2 Highway Authority - conditions recommended.
- 4.3 Environment Agency - no comments required.
- 4.4 Historic England - the amendments have reduced the harm to the significance of the listed chapel to an extent. We continue to consider that the proposals would cause less than substantial harm to this significance. This is because the dwelling would remove part of the agricultural character of the setting of the chapel which has been its immediate context for most, if not all, of its history. The way in which the chapel illustrates than isolated place of worship within a rural landscape would be eroded by the presence of the dwelling. The amendments have attempted to minimise this through the proposal for a single storey dwelling and hedgerow boundary treatments rather than domestic fencing or walling.

The NNPF requires any harm to designated heritage assets to have a 'clear and convincing justification' (paragraph 132) and that less than substantial harm should be weighed against the public benefits of the proposals (paragraph 134). You should therefore be satisfied that such a justification exists for a dwelling of this size in this location. The application should be determined in line with these policies and in accordance with the legal duty of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local planning authorities to 'have special regard to the desirability of preserving or enhancing the building or its setting'.

- 4.5 Environmental Health Officer - Based on the information provided we believe there will be no significant impact on local amenity. Therefore the Environmental Health Service has no objections.
- 4.6 HDC Conservation Officer - The site lies to the north and north east of the former St Mary Magdalen Chapel, which is a grade II* listed building and one of only three monastic grange buildings surviving in Yorkshire.

Works to the chapel were undertaken some time ago to convert the building to a dwelling and also to construct several other properties between it and the street. At this time the chapel was in poor condition and the development was considered under the enabling development framework.

Prior to development the Chapel Garth was a paddock which provided an agricultural setting for the monastic grange chapel. Chapels of this type are so rare because lay brothers were expected to spend their time in the fields as opposed to having requirements for a chapel. The setting within a farm environment is therefore significant and it would be a shame if this were lost entirely. The impact of cumulative change can be harmful to the significance of the designated heritage asset. Simply because development has been allowed in the past, to enclose the space to the front, does not mean that further change would be acceptable. Further enclosure is likely to detract from the significance of the heritage asset, altering again the rural setting of the original chapel. Indeed, this open space is the last remaining link to its former setting.

I would deem the level of harm to be 'less than substantial'. Paragraph 134 of NPPF states that "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". Whilst there would be a minor benefit in terms of the provision of a dwelling, this cannot be considered to be a public benefit to outweigh the level of harm imposed.

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

- Whilst I have no objection to the construction of one private dwelling in itself, I have real concerns about the water displaced by any new building/s, and the journey of any waste water produced by such properties. I would ask for further detailed information as to where exactly any water created by the construction site, and proposed driveway onto Bramper Lane will run, whether via mains or soak away, as this is not clear from the website.
- The proposed property is at the highest point of the village, and so whilst it has been said that it is not in an area subject to flooding itself, the lowest part of the village does suffer from significant flooding, and properties such as my own, (in the area near the New Inn) have only narrowly missed water coming into our homes both from the fields at the rear (to the north), and from Moor Lane at the front (to the south) where water has, on occasion, come up through the drains themselves. During periods of heavy rainfall, water drains from Bramper Lane, from the Chapel Garth end of the village, and from the road to Ainderby, it meets at the cross roads and heads down Moor Lane.
- Is the site within an area at risk of flooding" - what is the definition of "area" and "risk of flooding"? "Will the property increase the flood risk elsewhere" - again, how is this defined and how is it measured or qualified?
- I do not agree with agricultural land in this area being used for housing
- We have no objection to the new proposal provided that access is strictly via the lane as indicated in the original plan and not over the drive between 1 Chapel Garth and the Grange. We would object strongly should any attempt be made to access the site from the Grange.
- We reiterate our concerns with regard to utilities and services. However, as regards sewerage, the landowner has assured us that there is sufficient fall (gradient) from the proposed bungalow to the Grange and subsequently to the main sewer beneath the village street, to enable a new foul water drain to be constructed and for it to function effectively.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the surrounding rural landscape; (iii) the effect of the development on the adjacent listed building; (iv) neighbour amenity; (v) highway safety; and (vi) flood risk.

Principle

5.2 The site falls outside Development Limits as Thrinftoft does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Thrintoft is defined as an "other settlement" and is therefore classed as a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Ainderby Steeple, Morton on Swale and Thrintoft. These three villages have long been linked economically and socially, which continues to the present day. Collectively these three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Thrintoft is less than a mile distance from either Ainderby Steeple or Morton on Swale. Criterion 1 would be satisfied.

Character and appearance of the village and the surrounding rural landscape

- 5.6 Proposals must also be small in scale, which in respect of one dwelling is satisfied. It must also provide a natural infill or extension to an existing settlement and conform with other relevant LDF Policies. Criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single dwelling on land to the rear of the main part of the village, accessed along a farm track that is separate from and runs parallel to, the main part of the village. In this respect it is not an infill plot but does appear as a natural extension to the village as it tucks into a corner and would be adjacent to existing development.
- 5.7 The proposed dwelling is a simple bungalow structure with a low eaves and ridge height. Although the site is on the highest part of the village, the dwelling would be low lying on the site and in relation to the adjacent chapel. Proposed hedging and landscaping would further reduce its prominence. For these reasons it is not considered that the proposed dwelling would adversely impact on the rural landscape.

Effect on the adjacent listed building

- 5.8 The NPPF paragraph 129 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development assessing the setting of a heritage asset). The Listed Building and Conservation Areas Act 1990 states that when making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.9 The plans have been amended to reposition the bungalow and reduce its size. Sectional drawings have been submitted to illustrate the relationship of the height of the proposed bungalow with the adjacent chapel. Historic England confirms that they do not consider the proposed development would result in substantial harm to the grade II* listed building but identify that harm would still occur. It is suggested that the rural setting provided by the adjacent farmyard, which was originally the context of the chapel, would be lost. It should be acknowledged that the context of the chapel has been altered significantly by the cul-de-sac of dwellings to the south, which encroaches on its rural setting. This development of four dwellings was granted planning permission in 1997 and was considered to result in an improvement in the setting of the listed building as it replaced a despoiled agricultural site of concrete blocks, and provided more opportunities for views of the listed building than existed previously. This was approved as enabling development to allow the restoration and reuse of the chapel.
- 5.10 Section 9 of the Historic England document The Setting of Heritage Assets refers to cumulative change and states "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building." It is considered that further domestic development on the existing rural land to the north would exacerbate the loss of the rural setting, to the detriment of the significance of the building.
- 5.11 Paragraph 134 of the NPPF states that "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". It is therefore important to consider whether there would be any public benefit as a result of the development. The proposed development is for an additional dwelling in the village, which could help to support local services such as the pub in Thrintoft and the school in Morton on Swale, but it is not considered that this would be significant or would outweigh the harm identified by Historic England. It is considered therefore that the proposed development would have a detrimental impact on the setting of the listed building and would be contrary to LDF Policies CP16 and DP28.

Neighbour amenity

- 5.12 The proposed dwelling would be in close proximity to the existing agricultural building but due to the siting and the internal layout of the bungalow the outlook for the future residents would not be adversely affected. Activities associated with the agricultural use of the adjacent site would have no greater effect on the amenity of the proposed residents than it has on existing residents except in respect of the use of the same access and driveway. It is not however considered that the use of the access and

driveway by one dwellinghouse would result in conflict with the agricultural user of the site.

- 5.13 The proposed dwelling is single storey and therefore the development would not result in overlooking of the adjacent residential property. A section has been received indicating the proposed ground level of the dwelling, which is similar to the adjacent property. The proposal would not therefore overshadow the neighbouring dwelling. It is considered that that proposed development would not adversely affect residential amenity and is therefore in accordance with LDF Policy DP1.

Highway safety

- 5.14 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety.

Flood risk

- 5.15 The site does not lie within an area of flood risk as identified by the Environment Agency.

6.0 RECOMMENDATION

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

1. The proposed development is contrary to LDF policies CP16 and DP28, which require development affecting a heritage asset or its setting to preserve and enhance all aspects that contribute to its character and appearance. It is considered that the proposed development would result in less than substantial harm to the significance of the heritage asset as a result of the loss of the adjacent farm environment. The proposed development is also contrary to the advice within paragraph 134 of the NPPF as the development would result in less than substantial harm that is not outweighed by the public benefits of the proposal.