

**AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 20 April 2016

Dear Councillor

**NOTICE OF MEETING**

Meeting            **PLANNING COMMITTEE**  
Date                **Thursday, 28 April 2016**  
Time                **1.30 pm**  
Venue               **Yorkshire Suite, Golden Lion Hotel, 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 REGARDING ECONOMIC GROWTH OPTIONS AND ALSO AN UPDATE ON APPEALS DECISIONS**

## **AGENDA**

### **Page No**

1. MINUTES  
To confirm the minutes of the meeting held on 31 March 2016 (P.25 - P.26), 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 - 96
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, 31st March, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

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## Present

Councillor D A Webster (in the Chair)

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

## Also in Attendance

Councillor	M A Barningham	Councillor	M S Robson
	D Hugill		P R Wilkinson
	B Phillips		

An apology for absence was received from Councillor K G Hardisty

## P.25 MINUTES

### THE DECISION:

That the minutes of the meeting of the Committee held on 3 March 2016 (P.23 - P.24), previously circulated, be signed as a correct record.

## P.26 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) 15/00006/FUL - Construction of 79 dwelling houses with associated access, parking, open space and landscaping at Lyngarth Farm, Bedale for Persimmon Homes

PERMISSION GRANTED subject to prior receipt of satisfactory amended plans in respect of plots 1 and 50-53 and subject to the satisfactory completion of a planning obligation to secure (i) 31 affordable dwellings within the development in accordance with the Council's Affordable Housing SPL; (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.

(The applicant, Ben Stephenson, spoke in support of the application.)

(Mr Tuplin spoke objecting to the application.)

- (2) 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

PERMISSION REFUSED

(The applicant's agent, Tessa Fletcher, spoke in support of the application).

- (3) 15/00469/MRC - 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 at Rose Cottage, Crayke for G & R Dawson

PERMISSION REFUSED

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

(Judy Wright spoke on behalf of Crayke Parish Council objecting to the application.)

(Peter Cliff spoke objecting to the application.)

- (4) 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 for G & R Dawson

PERMISSION REFUSED

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

(Peter Cliff spoke objecting to the application.)

- (5) 15/02384/FUL - 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 at Land east of Thirsk Road and Husthwaite Road, Easingwold for Linden Homes North and GBL Projects (Four) Ltd

PERMISSION REFUSED

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

(Peter Nottage spoke on behalf of Easingwold Town Council objecting to the application.)

(Judith Ford spoke objecting to the application.)

The meeting was adjourned at 3.35pm.

The meeting reconvened at 3.45pm.

- (6) 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 the Old Police Houses, York Road, Easingwold for Jomast Developments

PERMISSION REFUSED

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

(Peter Nottage spoke on behalf of Easingwold Town Council objecting to the application.)

- (7) 15/02795/MBN - Prior notification of change of change of use of 3 agricultural buildings to 2 dwellings and associated operational development at Cote House Farm, Busby Lane, Great Busby for Mr Nicholas Hugill

PERMISSION REFUSED

(The applicant's agent, Peter Williams, spoke in support of the application).

- (8) 16/00166/FUL - Conversion of barn to dwellinghouse with double domestic garage, associated parking and revised access at The Stelling, Back Lane, Helperby for J G Swiers (Helperby) Ltd

PERMISSION GRANTED

- (9) 16/00149/FUL - Proposed single storey extension to dwelling at Baileys, Morton on Swale for Mr Aldred Poulter

PERMISSION GRANTED

- (10) 15/02525/FUL - Engineering operation to form 11 fish farm ponds and construction of 2 polytunnels at Land west of Beeches Farm, Tollerton Road, Newton on Ouse for Christopher Rooke, RW Rooke & Sons

PERMISSION GRANTED subject to the deletion of Condition 4.

Disclosure of Interest

Councillor C Rooke disclosed a pecuniary interest and left the meeting during discussion and voting on this item.

- (11) 14/02609/FUL - Construction of 56 dwellinghouses with associated access, parking, open space and landscaping at Land to rear of 56 Ainderby Road, Northallerton for Persimmon Homes (Yorkshire) Ltd

PERMISSION REFUSED

(The applicant, Ben Stephenson, spoke in support of the application.)

(Stewart Bradnam spoke on behalf of Romanby Parish Council objecting to the application.)

(Phillip Cleverley spoke objecting to the application.)

Disclosure of Interest

Councillor B Phillips disclosed a pecuniary interest and left the meeting during discussion and voting on this item.

- (12) 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 for Premier Inn Hotels Limited

PERMISSION GRANTED

(The applicant's agent, Emma Whitney, spoke in support of the application).

- (13) 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

PERMISSION GRANTED

- (14) 15/02851/FUL - Revised application for the construction of a detached bungalow and associated parking at 131 Long Street, Thirsk for Mr Mark McColmont

PERMISSION REFUSED on the grounds that it is beyond development limits and no exceptional circumstances apply; the visual impact on the conservation area arising from its back land location; the lack of safe access and impact of access on neighbour amenity.

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

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

(John Bell spoke on behalf of Thirsk Town Council objecting to the application.)

(Andrew Newton spoke objecting to the application.)

- (15) 15/02719/FUL - Construction of an agricultural workers dwelling to include caravan park reception area at Canada Fields, Yafforth for Mr K Tiplady

PERMISSION GRANTED subject to an additional condition linking removal of the existing temporary building to the completion of the approved development.

- (16) 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

PERMISSION GRANTED on the grounds that the development would not be detrimental to the setting of the heritage asset and was otherwise acceptable.

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

(The applicant's agent, Maurice Cann, spoke in support of the application).

The meeting closed at 6.00 pm

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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 Golden Lion Hotel, High Street, Northallerton on Thursday 28 April 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**  
**At The Golden Lion**  
**Thursday 28<sup>th</sup> April 2016**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	16/00463/FUL Mrs H Laws Bedale  Page no. 11	Glazed rear extension to kitchen and family room  For: Mr Stephen Prince At: Heselton, 5 Wycar Terrace, Bedale  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	(a) 15/01524/FUL & (b) 15/01525/LBC Mrs H Laws Crakehall  Page no. 15	Applications for retrospective planning permission and listed building consent for partial removal of garden wall, widening of permeable hard standing access track, and replacement timber fence  For: Mr J Kent At: Hill Top Cottage, Crakehall  <b>RECOMMENDATIONS:</b> <b>(a) GRANT</b> <b>(b) GRANT</b>
<b>3</b>	15/00015/TPO1 Mrs H Conti Crayke  Page no. 23	Report following objection to the making of TPO 15/00015/TPO  For: Mr Steve Hill At: Crayke Castle, Crayke  <b>RECOMMENDATION: CONFIRM</b>
<b>4</b>	16/00480/OUT Mr A Thompson Dalton  Page no. 27	Outline planning permission for 17 dwellinghouses and associated parking (considering access with other matters reserved)  For: DH Land Strategy At: Land at Primrose Hill, Dalton  <b>RECOMMENDATION: REFUSE</b>
<b>5</b>	15/02581/OUT Mrs H Laws Kirkby Fleetham  Page no. 37	Outline planning permission with some matters reserved (considering access) for the construction of a single dwelling  For: Mr N McElroy At: Land adjacent Fencote House, Little Fencote  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	16/00534/FUL Mrs H Laws Kirklington  Page no. 45	Construction of a domestic open fronted double garage  For: Mr Carl Les At: The Rosary, Kirklington  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>7</b>	16/00222/FUL Mrs H Laws Langthorne  Page no. 47	Construction of a detached bungalow  For: Mr & Mrs C McGee At: Ash Brae, Langthorne  <b>RECOMMENDATION: GRANT</b>
<b>8</b>	16/00387/OUT Mr A Thompson Linton on Ouse  Page no. 53	Outline application with all matters reserved for the construction of five dwellings  For: Mr William Kirby At: Land adjacent to Applegarth Cottages, Main Street, Linton on Ouse  <b>RECOMMENDATION: GRANT</b>
<b>9</b>	16/00211/OUT Mrs H Laws Newby Wiske  Page no. 61	Outline application with some matters reserved (including access and layout) for the construction of an agricultural worker's dwelling  For: Mr & Mrs C Cook At: Riverside Farm, Newby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>10</b>	15/02512/FUL Mr P Jones Northallerton  Page no. 69	Construction of Use Class A3/A4 public house with parking, associated works and removal of trees  For: Marstons Pubs and Taverns Limited At: Land adjacent Barkers, Finkills Way, Northallerton  <b>RECOMMENDATION: GRANT</b>
<b>11</b>	16/00430/FUL Mr A Thompson Thornton-on-the-Hill  Page no. 85	Revised retrospective application for permanent retention of log cabin for agricultural workers dwelling  For: Mr Parker-Nicholls At: The Baggins, Thornton Lane, Thornton Hill  <b>RECOMMENDATION: GRANT</b>
<b>12</b>	15/02803/FUL Mr A Thompson Topcliffe  Page no. 89	Proposed construction of fabrication workshop and associated hard standing for the manufacture of agricultural buildings  For: J.M.W. (Property) Ltd At: Land on the north side of Dalton Old Airfield Industrial Estate, Dalton  <b>RECOMMENDATION: GRANT</b>

Parish: Bedale

Ward: Bedale

**1**

**16/00463/FUL**

Committee Date: 28 April 2016

Officer dealing: Mrs H Laws

Target Date: 29 April 2016

**Construction of glazed rear extension to kitchen and family room  
at Heselton, 5 Wycar Terrace, Wycar, Bedale  
for Mr Stephen Prince**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The dwelling lies within a terrace of two storey properties on the southern side of Wycar, towards the western end of Bedale. The dwelling is within the Bedale Conservation Area.
- 1.2 The principal elevation of the dwelling faces onto the front garden; the rear of the dwelling backs onto a shared parking area with the other dwellings in the terrace. The dwelling is L-shaped with single storey outbuildings forming a rear yard area.
- 1.3 It is proposed to construct a single storey rear extension within part of the yard and on part of the footprint of an outbuilding, to create an open plan kitchen/family room. The remaining outbuildings and yard would be retained.
- 1.4 The proposed roof of the extension would be a lean to, the highest point of which would be stepped below the level of the eaves of the two storey lean-to section of the dwelling. The roof would abut the side elevation of the neighbouring dwelling at 6 Wycar Terrace. The roof of the extension, and the rear wall facing into the yard, would be glazed. Three roof lights are proposed in the rear elevation of the dwelling. The existing first floor timber window in the rear elevation would be replaced with a upvc window frame.
- 1.5 The application is presented to Planning Committee at the request of two Ward Members.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

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

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Bedale Town Council - the application is rejected. The Council felt that the all glass construction was not in keeping with the character of the construction of the terrace and other properties in the area.
- 4.2 Public comment - no comments received.

#### **5.0 OBSERVATIONS**

- 5.1 The issues to be considered include the effect of the extension on the character and appearance of the existing dwelling and surrounding Conservation Area and the impact on the residential amenity of neighbouring properties.

##### Character and appearance

- 5.2 The dwelling and its neighbours have a typical L-shaped design, with lean-to protrusions extending rearwards from the rear elevations of the dwellings and single storey outbuildings enclosing a rear yard. The proposed extension would infill part of the yard area.
- 5.3 The lean-to roof would be stepped below the eaves of the existing lean-to and therefore retain the dominance of the original buildings and respect the existing scale and design of the dwelling. The proposed use of glazing introduces a new material to the property, which is otherwise a traditional brick and slate dwelling. The glazing proposed is a simple architectural intervention which will help to define the original part of the house and retain the prominence of the brickwork.
- 5.4 Although an extension across the rear yard is not a traditional feature of this terrace the simple design and large areas of glazing reinforces the separation between the original dwelling and proposed extension and is a common method of delineating between old and new. It is considered that the proposed design and use of glazing would not be contrary to LDF Policies CP17 and DP32.
- 5.5 The rear of the dwelling is not prominent from outside the site; the side wall of the ground floor extension would form the boundary. The proposed extension would not detract from the character and appearance of the surrounding Conservation Area and would be in accordance with LDF Policies CP16 and DP28.

##### Residential amenity

- 5.6 The proposed roof attaches to the neighbouring dwelling at number 6 at no higher a level than the existing outbuilding, and is therefore below the level of the first floor window that overlooks the application site. The window serves a bathroom and is obscure glazed. If the window is opened it would overlook the application site. The glazing to the roof of the extension would not be obscure and therefore it would be possible for the neighbours to look into the extension thereby affecting the privacy of the residents. This is a matter which the applicants are aware of and they state that they accept this situation. It is less likely that the residents within the extension could look up to and into the bathroom and the situation is no more harmful than already exists within the rear yard. The proposed development is therefore not considered to be contrary to LDF Policy DP1.

#### **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 2015-08L(00)01, 05, 10A, 11 and 12 received by Hambleton District Council on 23 February 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

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## 2

### 15/01524/FUL & 15/01525/LBC

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

#### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Hill Top Cottage is a Grade II listed building located in Crakehall Conservation Area. A detached outbuilding lies to the rear of the property on the boundary with the neighbouring property known as Grey Riggs. The rear of the property is accessed through an archway.
- 1.2 The application is for retrospective consent for the removal of a section of wall that formed the rear boundary of the domestic plot. The length of the stone wall was approximately 4.5m and the height approximately 1.8m.
- 1.3 Work has also been undertaken to widen the hardstanding area to the rear of the dwelling by incorporating land from within the adjoining paddock to create a parking and amenity area. A fence has also been installed along the proposed rear boundary of the domestic plot. The timber post and rail fence (with gate into paddock) covers a length of approximately 30m.
- 1.4 The reason given for the removal of the wall is due to its poor structural stability. The supporting information states that it was dismantled as it was deemed to be a hazard. The wall was not supported by any foundations and was not tied to the adjacent boundary wall.
- 1.5 The application is brought to Committee at the request of a Ward Member in the light of it being one of a series of retrospective applications submitted by the applicant. Members deferred consideration at the meeting of 3 March for further research into the planning history. The application has also been subject of further assessment in respect of the heritage impact of the removal of the section of wall.

#### 2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/95/032/0144 – Alterations and extension to dwelling; Granted 5 January 1996.
- 2.2 2/95/032/0144A - Application for Listed Building Consent for part-demolition of and alterations and extension to dwelling; Granted 5 January 1996.
- 2.3 2/96/032/0144B - Application for Listed Building Consent for part-demolition of and alterations and extension to dwelling; Granted 19 April 1996.
- 2.4 2/99/032/0144C - Alterations and extensions to outbuildings for use as ancillary living accommodation; Refused 13 January 2000 for the following reasons:
  1. In the opinion of the Local Planning Authority the proposed scale and design of the alterations and extensions would not be appropriate to the Conservation

Area. Thus the proposals would not comply with Policy HH4 of the Hambleton District Wide Local Plan.

2. In the opinion of the Local Planning Authority the proposed ancillary living accommodation would not be incorporated into the main house and thus the proposal would encourage its occupation as a separate additional dwelling. Thus the proposal would not comply with Policy H13 of the Hambleton District Wide Local Plan.
  3. In the opinion of the Local Planning Authority the proposed conversion would detract from the interest of the building and the character of the surrounding area. The proposal would result in the increase in the use of the existing substandard access and parking areas. This would be detrimental to the free flow of traffic and the safety of other road users. The proposed residential accommodation would have an adverse effect on the amenities of nearby residences by virtue of overlooking and general disturbance. Thus the proposal would not comply with Policy H14 of the Hambleton District Wide Local Plan.
- 2.5 2/99/032/0144D - Application for Listed Building Consent for alterations and extensions to outbuildings; Refused 13/12/1999 for the following reason:
1. In the opinion of the Local Planning Authority the proposed alterations and extensions would not maintain the character of the building or preserve its features; are not of an appropriate scale or design to the building or its setting; and would result in a significant loss to the historic fabric of the buildings. Thus the proposals would not comply with Policy HH17 of the Hambleton District Wide Local Plan.
- 2.6 2/00/032/0144E - Alterations to outbuildings for use as ancillary living accommodation; Granted 27 April 2000.
- 2.7 2/00/032/0144F - Application for Listed Building Consent for alterations to outbuildings; Granted 26 April 2000.
- 2.8 15/00473/MRC - Variation of condition 6 of 2/00/032/0144E to allow the use of the building for holiday accommodation; Granted 30 April 2015.
- 2.9 15/02272/LBC - Retrospective Listed Building Consent for new roof timber structure to holiday cottage barn, including 2 conservation roof lights and stove flue pipe; Granted 2 December 2015.
- 2.10 15/00110/CAT2 – Enforcement investigation regarding creation of domestic area outside of curtilage and alterations to outbuildings; On hold pending determination of these applications.
- 2.11 Applications 2/99/032/0144C and 2/99/032/0144D (paragraphs 2.4 and 2.5) were not listed in the previous version of this report because they had not been considered relevant due to subsequent applications 2/00/032/0144E and 2/00/032/0144F (paragraphs 2.6 and 2.7) being subsequently granted for similar development. They are listed in this report for completeness. The revised scheme approved in 2000 removed the previously proposed parking area from the paddock at the rear of the building.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policy DP1 - Protecting amenity  
Development Policy DP28 – Conservation  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - no reply received.
- 4.2 Historic England - this application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 4.3 Planning Policy and Conservation Officer - We visited the site on Thursday 10th March to further consider the significance of the garden wall which had been removed prior to the retrospective Listed Building Consent application. I have studied the historic OS plans for this property and the 1856 plan shows an outbuilding in roughly the position of the removed wall which aligned with a similar structure closer to the rear of the house. By the 1895 plan, this outbuilding has disappeared, leaving the one closer to the house in situ.

On close inspection, the northern stone boundary wall appears to be an original structure. At the point where the wall has been removed there is a block of masonry which indicates the location of the former building mentioned above from the 1856 OS plan, this would have been the north gable. Given the position of the removed wall it is possible that this was a fragment of the previous building. However, I understand from the application that the wall was not bonded into the north boundary wall. Evidence of repointing here is evident. Whether this was done simply as a repair to rectify the area removed from bonding in, only the applicant will know.

If the wall was not bonded to the northern boundary wall, then it is likely that the removed wall was a later construction in order to provide an end to the yard at the time of demolishing the outbuilding in the late 19th century.

Having not seen the wall in situ prior to its demolition it is impossible to make an accurate judgement of whether the wall was bonded to the north boundary wall or not and to understand whether its construction was the same as that to the north. From the partial photograph available, the wall was of cobble stone construction similar to that of the boundary wall.

It is my conclusion that the removed wall is either a fragment of the former outbuilding or a reconstruction of a boundary marker in the late 19th century. Either way, its loss in my opinion does not have any harmful impact on the significance of the principal listed building.

The matters in relation to the extension of the domestic garden and amenity of neighbouring residents are separate planning matters to the removal of the wall.

- 4.4 Site notice/advert/local residents - objections to the development have been received from and on behalf of 3 local residents, whose comments are summarised as follows:
- Harmful effect on the character and appearance of a designated heritage asset
  - The character and appearance of the conservation area and open countryside
  - The amenity of neighbouring residents

- Insufficient justification for the works
- Inadequate heritage statement
- Wall played an important historical role with regard to the setting of the main dwelling and the form and character of the settlement
- The dangerous condition of the wall is disputed
- Photographic evidence clearly shows the wall was stable and not dangerously leaning
- The gravelled surface is not in keeping and looks incongruous adjacent to the old stone buildings
- The original yard surface material and stone walls are deemed to be important features that contribute to the character and appearance of a designated heritage asset, therefore contrary to LDF policies
- Change of use is unsustainable and is a practice that could be repeated by other landowners that back onto the open countryside, thereby setting a dangerous precedent
- The encroachment has a materially harmful effect on both the setting of the village and the character and appearance of the countryside
- The additional curtilage would provide an external social area for the holidaymakers occupying the outbuilding and generate a noise nuisance, particularly to those existing residents that adjoin this area
- Proposed alterations are contrary to LDF Policy DP1
- The removal of a strip of agricultural land is blatant property development by stealth
- The field should be immediately restored to its previous condition
- It opens up the possibility for further development
- Application 2/00/032/0144E with drawing 99/1058/1D was approved on 27 April 2000 for single storey ancillary living accommodation in the barns. There was no change to the status of the agricultural field and the wall was clearly shown on the approved plans with strict conditions applied in the approval to the walls. The amenity of the residential property nearby was also considered.

## 5.0 OBSERVATIONS

- 5.1 The main issues to be considered in respect of the planning application relate to the effect of the alterations on heritage assets, specifically the character and appearance of the Crakehall Conservation Area and the setting and features of nearby listed buildings. It will also be necessary to consider the impact of the additional curtilage in terms of listed buildings and the Conservation Area, and also in terms of the likely impact of its use on residential amenity.
- 5.2 For the listed building application, only the impact of the demolition on the setting and any significant features of Hill Top Cottage are considered relevant.

### Impact on heritage assets

- 5.3 The works, which include the removal of the wall and the creation of an additional area of domestic amenity space, have already taken place. The enforcement process had established two options for the applicant, to either reinstate the site as it was or to submit planning and listed building applications in an attempt to receive approval for the works and the latter course of action has been taken.
- 5.4 The National Planning Policy Framework, paragraph 131, states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and to the desirability of new development making a positive contribution to local character and

distinctiveness. This reflects the statutory requirement under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the Council to consider the desirability of preserving the listed building or its setting or any features of merit (Section 66) and the desirability of preserving or enhancing the character or appearance of the Conservation Area (Section 72).

- 5.5 NPPF paragraph 132 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.6 The most relevant heritage asset is Hill Top Cottage as the demolished section of wall marked its curtilage. The wall is not listed in its own right and although clearly of historic importance, is not of the same significance as the dwelling. The wall was a relatively small section that formed the boundary of the property between the yard and the paddock beyond and stood approximately 25 metres from the listed building. Whilst the wall was closer to other listed buildings (St Edmund's Cottages, Grade II) it had no historic or physical connection with them. Prior to its removal a gate connected the wall to the edge of the outbuilding to enclose the yard. Historic Ordnance Survey plans show that the wall was not in place in 1856 when an outbuilding straddled the boundary line; there is no building nor any boundary illustrated on the 1895 plan and there is an indication of a boundary in this position on the 1919 plan.
- 5.7 An inset area remains within the adjacent boundary wall to indicate where the wall was originally positioned and this allows a record to remain to indicate the evolution of the property.
- 5.8 It is disputed by local residents that the wall was in a poor condition; however there is no evidence to confirm whether or not it was dangerous or structurally unsound. Furthermore, the wall's condition is not, of itself, considered to be a determining factor in this case. The Council must consider whether permission and consent should be granted retrospectively for its removal on the basis of an evaluation of the harm its loss may have caused to the character of the area and the setting of the listed building and the soundness of the wall could only have minimal impact on those issues.
- 5.9 Where a proposal leads to less than substantial harm to the significance of the heritage asset (NPPF paragraph 134) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The nature of the advice from Historic England reported in paragraph 4.2 is considered to suggest that the development does not cause substantial harm. The removal of the wall allows a larger area to be provided for parking and turning in connection with the domestic use of the dwelling and the holiday accommodation unit within the outbuilding. Although adequate space was available prior to the removal of the wall, that is not a reason to refuse planning permission or listed building consent; rather the impact of the development must be considered.
- 5.10 The removal of the wall and widening of the gravel access track has altered the setting of the listed building, which is now more open and covers a greater area. Historically the area to the rear of the dwelling was the secondary area providing amenity space and parking with ancillary outbuildings and storage. The role of the area remains unchanged and is characteristic of a courtyard. It is not considered that the removal of the wall and widening of the gravel access detracts from the setting of Hill Top Cottage or any of its features. As noted earlier, it is not considered that the wall was of any special importance in its own right. It was a minor feature within the

context of the listed building and the Crakehall Conservation Area and it is not considered that its removal to provide a larger domestic curtilage has caused harm to the character or appearance of the Conservation Area or the setting or any features of any listed building.

- 5.11 The fencing that has been erected on the edge of the paddock area is visible in public views from a public footpath some 65m to the west and from nearby gardens. However, it is not considered to detract from the character or appearance of the Conservation Area or the setting of any listed building and is therefore considered to be acceptable in heritage terms.
- 5.12 A strip of land with dimensions of approximately 28m x 7m has been enclosed within the extended curtilage of Hill Top Cottage to create additional parking and amenity space for use by the holiday accommodation unit. This land previously formed part of the adjacent paddock and lies along the rear boundaries of neighbouring properties. The paddock, and therefore the extended curtilage, lie beyond Development Limits but are not considered to have the characteristics of open countryside as the paddock is bound on three sides by domestic curtilages.
- 5.13 The additional garden area has mostly been surfaced with gravel, in keeping with the surfacing of the yard area to the rear of Hill Top Cottage. A paved area and an area of grass lie to the south of the gravelled area. The choice of gravel provides a visual connection with the dwelling and is not considered to be inappropriate for the location within the Conservation Area or on the fringe of the settlement and the paving is not considered to have any appreciable impact on any heritage asset or the countryside. The additional domestic amenity space is therefore not considered to detract from the character or appearance of the Conservation Area, or to adversely affect the setting or any features of any nearby listed building, or to have any appreciable impact on the rural landscape.

#### Residential amenity

- 5.14 One of the concerns of the adjacent residents is that the use of the strip of land in connection with the domestic use of the main dwelling, or the holiday accommodation, would have an adverse impact on residential amenity. The area in question lies adjacent to the boundaries of five neighbouring properties most of which already share a boundary with the existing domestic curtilage of Hill Top Cottage.
- 5.15 Noise and disturbance can occur in any domestic situation but there is no reason to expect an abnormal relationship between adjacent gardens in terms of neighbourly behaviour in this instance. It would not be appropriate to restrict a domestic curtilage on the grounds that its use could cause disturbance when there are other domestic curtilages in closer proximity. The proposed change of use is considered to comply with LDF Policy DP1.

## **6.0 RECOMMENDATIONS**

- 6.1 That subject to any outstanding consultations application 15/01524/FUL is **GRANTED** planning permission subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

6.2 That subject to any outstanding consultations application 15/01525/LBC is **GRANTED** listed building consent subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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## **3**

### **15/00015/TPO1**

#### **Hambleton District Council (Crayke) Tree Preservation Order 2015 No. 15 At: Crayke Castle, Castle Hill, Crayke**

##### **1.0 DETAILS OF THE TPO AND SITE DESCRIPTION**

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2015/15.
- 1.2 A total of 14 individual trees and a group of trees have been made subject to a provisional TPO. The group of trees consist of two Ash trees, one Sycamore and five Oak trees which lie to the north west of the Castle, alongside Crayke Lane. Nine individually protected trees are located to the north east of the Castle along the boundary with a public footpath; the trees consist of a Sycamore, four Ash, three Field Maples and a Holly tree. Two Sycamore trees and an Ash tree run along the boundary with St Cuthbert's Church and one Sycamore tree is located in the driveway area opposite the front entrance into the Castle.
- 1.3 Crayke Castle and its grounds are located within Crayke Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty. The Castle is a Grade I listed building and a Scheduled Monument.

##### **2.0 RELEVANT PLANNING HISTORY AND ENFORCEMENT HISTORY**

- 2.1 The provisional Tree Preservation Order was placed on the trees following the consideration of a Section 211 notification (15/02250/CAT) to remove the remaining trees in Group 1 and the trees near to St Cuthbert's Church.
- 2.2 An earlier notification to carry out work to trees within the grounds of Crayke Castle (15/00278/CAT) was considered in March 2015. At the time of this notification it was considered the works involved were acceptable and no TPOs were placed on any trees within the grounds.
- 2.3 Work to removed trees began in August 2015 in line with the recommendations of the report submitted with 15/00278/CAT. Concerns were raised that work had been carried out on trees that were not covered by the 15/00278/CAT notification. The concerns are being investigated by the Planning Enforcement Team. The site has been subject to widespread felling of trees and due to the prominent location of the Castle it is considered the remaining trees make a contribution to local amenity and as such the Local Planning Authority imposed a TPO to protect the remaining trees on site.
- 2.4 An objection has been received regarding the making of the Order.

##### **3.0 RELEVANT PLANNING POLICY**

- 3.1 The relevant policies are:

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

## 4.0 CONSULTATIONS

4.1 Two letters have been received regarding the making of the Order. One letter from an Arboricultural Consultant on behalf of the owner of Crayke Castle and the second letter has been received from owners of a neighbouring property.

4.2 The comments from the Arboricultural Consultant's comments are summarised as follows:

1. The formal notice accompanying the Order cites the previous regulation of 1999 rather than the updated 2012 regulations.
2. The additional explanatory guidance leaflet included is long outdated and provides misinformation regarding TPO's.
3. The TPO documentation states the council have made the order 'to ensure the long term protection'. The rationale provided is insufficient and unjustified and cannot be deemed expedient or in the public interest especially due to the fact the trees were already subject to Conservation Area legislation.
4. There are significant technical errors on the supplied plan which is not in line with the guidance of The Town and Country Planning (Tree Preservation) (England) Regulations 2012. The information presentation makes the identification impossible on site and will undoubtedly lead to errors in management of the order and significantly complicate matters for both the owner and the authority.
5. There are technical errors within the schedule, in particular the Description and Situation which again are not in line with the guidance of The Town & Country Planning (Tree Preservation) (England) Regulations 2012.
6. The provisional TPO includes trees on different sites and under control of or bordering different land, namely Crayke Castle and St Cuthbert's Church and in serving the order it is unclear whether all interested parties have been appropriately informed.
7. The greatest concern is the inclusion of trees that should be categorised as being in a poor state structurally and/or in a poor state of health. Several trees fall within the category though principally this relates to the trees T1, T5, T10 and T14.

T1 – the tree is covered in ivy which has obscured a significant structural defect. The main stem is bi-forked close to ground level and suffers from included bark which significantly increases the risk of whole stem failure due to the formation of the included bark preventing the stems grafting correctly.

T5 – The tree has suffered significant failure of the main stem which has left large torn wounds which are predisposed to colonisation by decay, in addition to elongated branches being predisposed to branch failure.

T10 – this tree has an open spreading form with very elongated branches, for example a lateral limb in the NW canopy extends almost 17 metres increasing the risk of branch failure. Unfortunately the issue of elongated branches is repeated elsewhere in the canopy indicating that the tree is predisposed to branch failure.

T14- The tree has suffered historic branch failure of the main stem and has Eutypella canker which has left large wound that again indicates that the tree is

predisposed to colonisation by decay in addition to elongated branches being predisposed to branch failure.

4.3. The owners of the neighbouring property have submitted comments which are summarised as follows:

- In general agreement with tree preservation particularly the large Sycamore in front of the Castle (T14);
- Consider T1 does not need preserving. The ivy-covered Sycamore has several broken branches. Many side branches are growing almost vertically due to the constraints of its location; and
- If T1 was removed the other Sycamore T2 would have room to grow a good shape which it cannot do if T1 is still in position. T2 has much better form, a good trunk and side branches with the potential of forming a good canopy.

## **5.0 OBSERVATIONS**

5.1 Crayke Castle stands in a prominent position with long range views from the village and the surrounding countryside and Easingwold. The trees in Group 1 and T14 are the most prominent, located on the hillside. T1 – T4 are visible from the properties of Church Hill and St Cuthbert's Church. The trees T5 –T13 are located adjacent to a public right of way running along the eastern boundary of the Castle grounds.

5.2 The trees are considered to be of visual merit and contribute to the character and appearance of the village, Crayke Conservation Area, the ANOB, the Grade 1 Listed Castle and scheduled monument.

5.3 The placing of the Tree Preservation Order followed a report undertaken by A Whitehead Associates Ltd on behalf of the Local Planning Authority. The tree assessments were made in November 2015 and were made on the basis of the tree's condition on the day of surveying. The trees report assessed the visible parts of the trees and the information supplied in the two Section 211 notifications. The report considers that there is no evidence to suggest that the trees are not in good condition.

5.4 The Arboricultural Consultant (Barnes and Associates) on behalf of the owner of Crayke Castle has highlighted four trees which they consider should be categorised as being in a poor state structurally and/or in a poor state of health, T1, T5, T10 and T14. T1 is a twin stemmed Sycamore tree. Crayke Castle's Arborist, Barnes and Associates, considers the main stem to be bi-forked close to ground level and suffers from included bark which significantly increases the risk of whole stem failure. The Local Planning Authority's independent Arboricultural Consultant (Anthony Whitehead) noted that the tree is twin-stemmed and considers there is no substance in the claim that T1 is so misshapen that it should be removed. The Sycamore was not noted as being unstable.

5.5 T5 is highlighted by Crayke Castle's Arborist as having suffered a significant failure of the main stem which has left large torn wounds which are predisposed to colonisation and decay. The Local Planning Authority's Arborist notes that T5 is a large mature Sycamore with a trunk diameter of 1m. The tree is not noted to be decayed and just because it is predisposed to colonisation and decay this does not mean it will. A tree's health can change rapidly; consequently it is prudent for a tree owner to have the health of their tree stock checked periodically by a suitably qualified arborist.

5.6 T10 is a very large Ash tree with a trunk diameter of 120cm. Crayke Castle's Arborist has commented the tree has an open spreading form with very elongated branches which indicates the tree is predisposed to branch failure. The Local Planning

Authority's Arborist advises the tree is approximately 180 years old and is in good condition. We do not have many Ash trees of this size in the country. The tree does have some heavy deadwood over the public footpath and there are old branch wound cavities in the trunk. The level of the tree's decline does not warrant removal.

- 5.7 T14 Sycamore is in average condition but now very prominent and now a feature tree due to the scale of felling on the site. Crayke Castle's Arborist has objected to the inclusion of the tree in the TPO due to historic branch failure of the main stem which has resulted in a eutypella canker which has left a large wound. The full comments of the Council's Arborist are awaited but provisional comment is that the failings described may reasonably be expected to be found in a tree of the age but are not significant to the health of the tree.
- 5.8 There is no indication that any of the trees are in a dangerous condition and the Local Planning Authority could not require works to be undertaken. Any proposal to undertake remedial work will be considered on its merits.
- 5.9 It is noted the covering letter and explanatory guidance leaflet sent with the copies of the TPO did contain out of date information. This was an administrative error which has been corrected. Most importantly the details within the actual order were correct.
- 5.10 The provisional order was made following the notification of further tree removal from the site. Although a notification is required by law prior to the removal of trees within a Conservation Area, the only means to "refuse" a notification and retain a tree(s) is to make a Tree Preservation Order. It was considered necessary following the extensive felling of trees to make a TPO in this instance because of the importance of the site in terms of the landscape of the Howardian Hills AONB, the setting of the village and the Conservation Area. Taking all these matters in to account it is considered the reason for making the order 'To ensure long term protection of the trees, which make an important contribution to the character and appearance of the site' is appropriate.
- 5.11 Objections have been raised to the TPO plan having technical errors. The indication on the plan of the individual trees and group of trees is in line with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.12 It is further noted that the description of G1 has not specified the number and species of trees within the group and the precise location of the trees included in the "Group 1" has not been specified in the 'Situation' within the TPO. These details can be added to the order prior to confirmation to provide the greater degree of certainty of which trees are protected by the "Group 1" designation.

## **6.0 RECOMMENDATION**

- 6.1 The trees contribute significantly to the character and appearance of the Crayke Conservation Area when considered against the relevant planning criteria and result in reasonable degree of public benefit especially following extensive felling of trees on the site. The Local Planning Authority's independent arboricultural advisor confirmed they are general healthy specimens. Their retention would not preclude future proposal, which would be considered on its own merits.
- 6.2 It is therefore recommended that TPO 2015/15 is confirmed with a modification to the description of G1 from mixed species to detail 2 x Ash trees, 1 x Sycamore and 5 x Oak trees. Additional details as to the location of the trees will be added to the 'Situation' column.

## 4

16/00480/OUT

### **Outline planning permission for 17 dwellinghouses and associated parking (considering access with other matters reserved) at land at Primrose Hill, Dalton for DH Land Strategy**

#### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located to the southwest of the village of Dalton at the end of Pit Ings Lane as it joins the newer development of Harriers Croft. Pit Ings Lane rises steeply up from Dalton Lane whilst the site itself is relatively flat and bordered by managed hedgerows and trees. A grass track runs along the northern boundary and on the eastern boundary of the site is a bungalow (Frendene). Opposite the site is a public right of way.
- 1.2 The application proposes 17 dwellings, which includes 7 affordable dwellings (41%). The precise mix is not known at this stage but an indicative layout is submitted. The site is 0.92 hectares in size and therefore the proposed density would be 18 dwellings per hectare. A CIL form has been completed indicating that the total floor space would be 1,750 sqm (an average of approximately 103 sqm per property). The proposal is in outline with only details of access provided at this stage.
- 1.3 The application is supported by a Design and Access Statement, Planning Statement, Ecological Survey, Flood Risk and Drainage Statement, Transport Statement and a Site Investigation Report.

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/74/037/0006 - Outline application for residential development; Refused 30 January 1975.

#### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP3 - Community assets
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP9A - Affordable housing exceptions
- 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 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 DP43 - Flooding and floodplains  
 Development Policies DP44 - Very noisy activities  
 Interim Guidance Note - adopted by Council on 7th April 2015  
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
 National Planning Policy Framework - published 27 March 2012  
 National Planning Practice Guidance  
 Written Ministerial Statement on Landscape Character dated 27 March 2015

#### **4.0 CONSULTATIONS**

- 4.1 Dalton Parish Council – Wish to see the application refused on the grounds that:
- The application does not concur with Hambleton District Council's current Planning Policy and Guidance;
  - There are flooding issues on the main road through Dalton (at the bottom of Pit Ings Lane);
  - Pit Ings Lane is a narrow road and there are serious concerns about the increase in traffic that the development would generate. There have already been problems with access for emergency vehicles due to parked cars;
  - The land is a greenfield site and outside the building line;
  - There are concerns that the utilities currently within the village would struggle to cope with any more properties in Dalton;
  - There are very limited facilities within Dalton i.e. bus service, shop etc.; and
  - There has been a large quantity of houses build in Dalton over the past 20-25 years and we feel that building needs to be curtailed. This was highlighted by opinions stated in the Dalton Village Plan.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public Rights of Way Officer - No objection subject to an informative ensuring that Rights of Way are highlighted to the applicant.
- 4.4 Environmental Health Officer - The proposed new dwellings are on land close to existing poultry sheds associated with Southland Farm, the closest of the new dwellings within 70m. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that there are existing residential premises close to the poultry sheds, Larks Edge approximately 60m away and properties on Harriers Croft, the closest approximately 100m away.

No complaints have been received historically and for 2 years the sheds have not housed poultry, only been used for storage. The absence of historical complaints associated with this farm indicates it has been managed so that a nuisance has not arisen. However, the sheds could come back into use as poultry sheds at any time and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established.

- 4.5 Scientific Officer (Contaminated Land) - No objection subject to conditions
- 4.6 Lead Local Flood Authority (NYCC) - The application documents do not appear to contain any detail of surface water management proposals so we are unable to provide any comments. Your attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Requirements are detailed in North Yorkshire County Council SuDS Design Guidance.
- 4.7 Swale and Ure Drainage Board - The submitted drainage strategy and flow limitation to 3.5 litres per second has been considered and found to be acceptable. The individual effect of this development is insignificant. However the concerns with regard to the Old Beck and recent flooding events in the last 12 months are noted. The cumulative impact of new and future large-scale development in the Dalton area, including this proposal, on the drainage network would need to be assessed by the Local Planning Authority as part of its Local Plan review as there may be an improvement scheme necessary to the Old Beck which would need to be funded by contributions from developers, the Lead Local Flood Authority and Grant in Aid. This could prove to be expensive.
- 4.8 Housing and Planning Policy Manager –
- Affordable housing - Housing support the provision of 41% affordable homes on the site but have concerns regarding the design/layout of two areas of the affordable housing and the parking arrangements for plots 15, 16 and 17.
- Market Housing - The housing mix should be reviewed to include a high proportion of two and three bedroom market homes and possibly one pair of two bedroom semi-detached bungalows.
- 4.9 Public comment - 21 objections have been received raising the following comments:
- The proposed site is outside the development limits of the village
  - Need for new homes - Hambleton quota for new housing is already fulfilled, more new properties not required by central government
  - There are already major developments coming forward
  - Other new build homes in Dalton already built not even selling
  - The amenities and transport links within the village do not sustain the current village population
  - The character of the village will be adversely affected with the existing development building to the capacity of the village
  - Access to the land via Pit Ings Lane, which is a narrow road - additional cars would harm highway safety
  - The access to the site is not safe in my opinion with cars travelling towards Harriers Croft would not have great visibility as the bend curves to the left so would not have the best chance to react to cars pulling out of the new development.
  - It would also add to the heavy traffic on the main street of the village.

- The drains in Dalton village already not able to cope with excess rain water - extra houses would only make this worse (the village floods with excessive rain and that would affect the access to new properties)
- The road leading to Primrose Hill (Pitt Ings lane) would become busy to a point of being dangerous
- Why does green land have to be used, when there are brown field sites more suitable to be built on?
- Enough land is coming forward in response to the call for sites
- The planned location is quite close to flood zone 3 in the village, and the proposed area regularly stands in water contributing to standing water on my property. Any proposals need to detail how current standing water issues generally in the area would be successfully managed and not just assume they can be.

Two letters of support have also been received.

## **5.0 OBSERVATIONS**

- 5.1 The key determining issues are (i) the principle of development and the Council's housing land supply position; and (ii) whether the development can draw support as an exception to LDF policies of restraint in rural areas or the Council's Interim Policy Guidance, all of which have a significant bearing on the principle of development.
- 5.2 Other important issues to be considered include (iii) loss of agricultural land; (iv) affordable housing and housing mix; (v) design and the likely impact of the proposal on residential amenity; (vi) flooding and drainage; (vii) a protected tree; and (viii) highways and parking.

### The principle of development and housing supply

- 5.3 The National Planning Policy Framework 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.
- 5.4 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.
- 5.5 Over five years this produces a need for 1,370 dwellings ( $274 \times 5 = 1,370$ ). In order to ensure choice and competition in the market it is necessary 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 or 288 dwellings per annum. The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded 288 each year 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.
- 5.6 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 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.



- 5.8 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 development of 17 houses would contribute towards the overall objective 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, particularly in a village location.
- 5.9 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. The site has not been submitted to the Call for Sites as part of the Local Plan Review. The applicant highlights that this application should be regarded as a good, sustainable site to develop and would assist in keeping the District's supply topped up in the National interest, regardless.
- 5.10 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 overall 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.

#### LDF exception and Interim Policy Guidance

- 5.11 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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".
- 5.12 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.13 The IPG notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it results in incremental and organic growth. As a guide, small scale is normally considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale, form and character of the settlement.
- 5.14 Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. However, Dalton

is identified as a Secondary Village in the 2014 Settlement Hierarchy and the IPG considers such settlements to be sustainable locations for small-scale development.

- 5.15 The IPG notes that 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. Wider consideration must also be given to the special physical characteristics of the surrounding area as well as the settlement which sets it apart from its surroundings and contributes to its individuality (e.g. architecture, landscaping, setting, natural features, open space, types and styles of housing, number and size of roads and footpaths) and how the proposal addresses this. Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area.
- 5.16 The applicant submits that the proposed implementation of mixed size dwellings would not conflict with the properties opposite or be perceived as overdevelopment because the site lies within the general framework of the settlement as defined by its topographical and landscape setting and a rounding off of the village.
- 5.17 Officers disagree with this assessment as the proposal does not create or use natural or defensible boundaries. The existing landscape is defined by the open and rural views rising up from Dalton Lane and up Pitt Ings Lane. Harriers Croft currently forms a natural boundary to the village respecting the character of the area. "Ferndene" is a separate dwelling and forms an end vista to the road and its limited scale ensures that the sense of openness is maintained rising up towards the site. The proposal would create a linear, non-natural boundary that would fail to respect the form and character of the settlement. As such, the proposal would not form a natural extension to Dalton, which the IPG requires.
- 5.18 The IPG envisages small-scale development that results in incremental and organic growth of villages. Whilst Dalton is larger than many other villages, the proposed 17 dwellings would not appear as an incremental or organic addition and would therefore be harmful to the character of the village.

#### Loss of agricultural land

- 5.19 The application does not include an agricultural land classification for the site but publicly available data indicates that all land around Dalton is within the "best and most versatile" (BMV) category, i.e. Grade 2 and Grade 3a agricultural land. 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 best and most versatile agricultural land is thus a factor against the proposal.

#### Affordable housing and housing mix

- 5.20 41% of dwellings would be affordable housing and this would comply with LDF policy CP9 if the site was allocated or treated as an urban extension. The applicant submits that the dwellings would be two storey and compatible with the mix and style of housing within Dalton. No firm details are available at this stage but in principle this approach would allow development to be in keeping with the general form and appearance of housing within the village.
- 5.21 To meet the Council's policy requirements dwellings must be of a size that meets the Council's minimum standards or at least the nationally Described Space Standards and the affordable 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.

- 5.22 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. Accordingly 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% three bedroom homes and 10-15% four bedroom houses.
- 5.23 A CIL form has been completed indicating that the total floor space would be 1,750 sqm (an average of approximately 103 sqm per property). Based on the submitted indicative layout and CIL form it is considered that the proposed mix would be likely to be focused on larger dwellings rather than those required to address local housing need, i.e. smaller dwellings or bungalows. 103 sqm would be, on average, a larger 3 or 4 bedroom dwelling. No bungalows or 1 and 2 bedroom properties are shown on the illustrative layout or within the CIL form and would therefore appear unlikely.
- 5.24 Whilst indicative, the layout suggests the proposed development would not be in keeping with the form, character and scale of development that would address local housing needs because it would be dominated by larger dwellings. The proposal is thus contrary to policies seeking to deliver an appropriate mix of housing types.

#### Design, residential amenity and public open space

- 5.25 The comments of the Environmental Health Officer indicate that future residents could suffer harm to their amenity due to the proximity of the poultry sheds to the south west of the site, even though the sheds are currently not used for that purpose. The buildings have planning permission for B8 storage units and are currently being used as such but the use could be intensified without the need for further planning permission. It should also be borne in mind that the buildings could revert to poultry keeping without planning permission because use for agriculture is not development.
- 5.26 It is plausible that an appropriate and detailed assessment could outline mitigation and management mechanisms in relation to the operation of the neighbouring buildings but none has been submitted.
- 5.27 As such without adequate assessment, the relationship with nearby land uses cannot be assessed and parameters cannot be established within the outline application that would inform a subsequent reserved matters submission. It has therefore not been proved that an adequate level of residential amenity would be achieved.
- 5.28 Policy DP37 requires all new residential development to address the needs of the new residents to achieve the target quantitative and qualitative requirements for a range of types of open space. The illustrative layout also makes no provision for public open space within the site. The indicative layout has been amended but it still raises concerns in relation to the quality of design. However, as the only detail for consideration at this stage is the access to the site, these concerns do not translate into a reason for refusal.

#### Flooding and drainage

- 5.29 The Swale and Ure Drainage Board and the Lead Local Flood Authority's comments and criticisms of the submitted drainage information have been carefully considered and noted. The introduction of sustainable drainage requirements is now standard for development of this type and scale. An amended Drainage Strategy was submitted on 18 April 2016 and the comments of the LLFA have been sought. Any update will be reported to the meeting. The amended comments of the Internal Drainage Board are reported above.
- 5.30 Dalton Lane (at the eastern end of Pitt Ings Lane) and the Old Beck are known flood zones and road closures occurred as a result of flooding in December 2015 and whilst the development would be some way from this, similar flooding could affect access to the site. Therefore safe access and egress to and from the site to areas outside the flooded areas in Dalton would be limited.
- 5.31 The absence of appropriate assessment, mitigation, proposed management of surface water and an appropriate and fully justified approach to sustainable drainage is a significant omission and is therefore a reason for conflict with local and national policy aims. There are concerns raised that future growth of Dalton would need to assess the impact of such proposals on the Old Beck and improvements would need to be undertaken through the form of contributions to reduce the incidence and impact of flooding. This would be best understood through the Local Plan preparation as such improvements could prove expensive and impact on the viability of schemes.

#### Highways and parking

- 5.32 The proposal shows access off Primrose Hill opposite number 27. The comments of the Highway Authority have been noted and the objections of residents are also carefully considered. The proposed indicative layout also shows a field access to the southern boundary of the existing field.
- 5.33 There are concerns that the development would be in close proximity to the bend in the highway entering Harriers Croft from Primrose Hill and the character of Pitt Ings Lane is also noted. These issues and driver visibility are legitimate areas of concern in the assessment of this application. The advice of the Highway Authority is noted insofar that adequate visibility can be provided and improvements to highway layout (e.g. a new footpath on Primrose Hill frontage) can be secured. However, those highway improvements are likely to require the removal of hedgerows and this would have an impact on the rural character of the area.
- 5.34 It is noted from the comments of residents that there are issues of parking on the road narrowing the road width. The existing road width is however built to adoptable standards and the carriageway is of an appropriate width. Whilst the issues of parking on the road are noted, it is the view of officers that the road width in itself is acceptable and the Highway Authority has not raised concerns.
- 5.35 It is considered that in this instance, with the conditions recommended by the Highway Authority noted, there would not be a sustainable reason for refusal on highway grounds. However, the impact on the character of the area of the necessary highway improvements would be negative.
- 5.36 The scheme has been found to be contrary to policies of the Local Development Framework, and no material considerations have been presented that outweigh the objections to the scheme.
- 5.37 Comments of the Local Education Authority regarding the capacity of the local primary school(s) to accommodate an increase in pupil numbers are awaited.

## 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 Dalton and in a location where the Council considers that housing development should only be permitted where it results in incremental and organic growth. The proposal would not deliver such growth and would cause substantive and significant harm to the open and rural nature of the site and result in the loss of natural boundary features as a result of ensuring a safe access to the site. There is a clear and defined boundary to the settlement which would be lost as a result of the proposal and which would harm the form and character of the settlement. The indicative layout submitted fails to demonstrate an appropriate design, mix, type or scale of development that would be in keeping with housing needs and fails to respect the character of the village. 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 planning balance identifies that the harm from the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP8, CP9, CP9A, CP16, DP8, DP9, DP10, DP13, DP15 and DP30 as amplified by the Council's Interim Policy Guidance and Supplementary Planning Documents and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
2. The application should demonstrate, potentially as part of the Flood Risk Assessment that adequate infrastructure, feasibility of sustainable drainage solutions and risk of flooding elsewhere have been fully considered. The Flood Assessment and Drainage Report gives no indication of the feasibility of the potential strategies for draining the site of surface water and has not established that drainage infrastructure has capacity to accept flows or given detailed consideration to sustainable drainage mechanisms. As the surrounding area, including principal roads and infrastructure, is known to be subject to localised flooding which could affect access to the site, the submitted FRA does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no mitigation that has been put forward as part of a robust assessment to demonstrate that the development will not increase flood risk elsewhere and where possible reduce flood risk overall. The proposal is therefore contrary to policies CP21 and DP43 of the Hambleton Local Development Framework and the aims and objectives of the National Planning Policy Framework and Flood and the Water Management Act 2010.
3. The proposal relates to a greenfield site 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.
4. The proposed new dwellings are on land close to commercial uses which are currently being used as storage units under Use Class B8 which could be intensified without the need for planning permission. The closest of the new dwellings shown on the submitted plans would be within 70m, some 30m closer than existing dwellings. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that whilst the sheds have not

housed poultry for 2 years, they could come back into use as poultry sheds at any time without requiring planning permission and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established. Adequate assessment and associated mitigation relating to noise and disturbance has not been put forward as part of the application submission. As such the proposals are contrary to Policies CP1, CP15, CP21, DP1, DP26 and DP42 of the Hambleton Local Development Framework.

5. 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.

## 5

15/02581/OUT

**Outline planning permission with some matters reserved (considering access) for the construction of a single dwelling as amended by plan received by Hambleton District Council on 17 March 2016.**

**at Land Adjacent Fencote House Hergill Lane Little Fencote North Yorkshire for Mr N McElroy.**

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site, which lies on the southern side of the village street, currently forms the side garden of Fencote House, a two storey detached dwelling. The site covers an area of 0.09 hectares. A two storey dwelling known as Oaklea lies to the east.
- 1.2 It is proposed to construct a detached two storey dwelling on the site. The application is an outline application with some matters reserved. The matters to be considered at this stage include access.
- 1.3 A stone wall lies along the front boundary of the site, which is at different heights of approximately 1.2m and 2m. Part of the wall is to be removed and an access created within a gap of approximately 3.5m. The remaining part of the wall to the east of the proposed access (a length of 17.2m) would be rebuilt behind a new visibility splay, which would be a maximum of 0.3m behind the position of the existing wall.

### 2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 03/01137/OUT - Outline application to construct a detached dwelling. Permission refused 30/3/2004 for the following reasons:
  1. Sufficient sites have been completed since 1991 or have been granted planning permission to meet the housing land requirement set out in Policy H1 of the Hambleton District-Wide Local Plan and the North Yorkshire County Structure Plan. To grant planning permission for additional sites would prejudice the aims of the Structure Plan and the Local Plan to restrain housing growth as set out in Guiding Principle 2: The Scale and Nature of Development and Policy H1 of the Hambleton District-Wide Local Plan by adding to the over-provision of housing in the District, contrary to advice in Planning Policy Guidance Note 3 to "plan, monitor and manage" the release of housing land.
  2. The clear visibility of 70m cannot be achieved along the public highway in either direction from a point 2.0m from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The proposal is therefore contrary to Policy H8 of Hambleton District Wide Local Plan (1999).

### 3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;
  - Core Strategy Policy CP1 - Sustainable development
  - Core Strategy Policy CP2 - Access
  - Core Strategy Policy CP4 - Settlement hierarchy
  - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
  - Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
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 - no observations. Councillors hope that consideration is given to the established trees in the boundary as well as to the stone wall in Hergill Lane.
- 4.2 NYCC Highways - no objections subject to conditions.
- 4.3 Yorkshire Water - no comments required
- 4.4 MOD - no safeguarding objections
- 4.5 HDC Environmental Health - Based on the information provided we believe there will be no significant impact on the local amenity. Therefore the Environmental Health Service has no objections.
- 4.6 Site notice/local residents - correspondence has been received from the neighbouring resident as follows:  
I note the comments of the Highway Authority relating to Visibility Splays and after consulting their representative it would appear to me that the site line will be to the south of the existing electricity pole at the junction with the adjacent property Oaklea. This would require the removal/relocation of part of existing joint boundary wall, and the removal/relocation of some of the roadside hedge belonging to Oaklea. I note the footprint of the proposed dwelling is only indicative, but since there are windows in each of the rooms on my west side I would prefer to see the house moved closer to the existing Fencote House with no windows on its east side.  
I welcome the revised sight line to the east which would suggest that it does not now interfere with Oaklea's existing hedge. If you can confirm that to be the case, then I can withdraw my concern on this particular matter.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, neighbour amenity, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits as Little Fencote does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:  
"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".



- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Little Fencote is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of a 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 Little Fencote which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Kirkby Fleetham and Great and Little Fencotes. These three villages have long been linked economically and socially and this continues to the present day. Collectively these three villages have churches, a primary school, a pub and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Little Fencote is 0.5km from Great Fencote by road and approximately 1.5km from Kirkby Fleetham. Criterion 1 would be satisfied.
- 5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. Little Fencote is characterised by linear development on both sides of the village street between existing dwellings and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single infill dwelling and as such is considered, in principle, to be of a suitable scale.
- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be within part of an existing garden that forms an infill plot within the village and is therefore already in domestic use. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."  
"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.9 The proposed development would require the removal of the wall along the front boundary of the site in order to provide the required highway visibility splays. A replacement wall would be built behind the splays, and as it would be set back a maximum of 0.3m it would still retain the appearance of the existing roadside wall. As such it is considered that the development proposed would appropriately respect the general built form of the village. There is no identified harmful impact to the built or historic environment.
- 5.10 The adjacent property to the east has existing windows in the side elevations facing onto the application site. The detailed position of windows in the proposed dwelling is a matter that can be considered at reserved matters stage to assess whether there would be any direct overlooking of windows at close range. The development is not considered to be contrary to LDF Policy DP1.
- 5.11 The Highway Authority has no objections to the proposed development subject to the repositioning of the wall to provide a visibility splay. The splays are achievable without affecting the neighbouring hedge.
- 5.12 The proposed development is acceptable and approval of the application is recommended.

**6.0 RECOMMENDATION: that subject to any outstanding consultations the application be GRANTED planning permission subject to the following conditions:**

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

5. The dwelling hereby approved shall not be occupied until the boundary wall has been built behind the visibility splays required by condition 9, in accordance with drawing number 2015:34/02B. Thereafter the wall shall be retained unless with the prior written approval of the Local Planning Authority.

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

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 40 metres measured along both channel lines of the major road Hergill Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05metres 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.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference 2015:34/02Site Layout Plan & Street Scene Elevation as Proposed) c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. The garage hereby approved shall be used solely for the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the

Town and Country Planning General Permitted Development Order 1995, or subsequent amending Order, no subsequent alteration shall be undertaken.

12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

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

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2015:34/02B received by Hambleton District Council on 16 November 2015 and 17 March 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the character and appearance of the site in accordance with LDF Policies CP17 and DP32.
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 CP16 and DP30.

7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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**Parish: Kirklington-cum-Upsland**

Ward: Tanfield

Committee Date:

28 April 2016

Officer dealing:

Mrs H M Laws

Target Date:

29 April 2016

**6**

**16/00534/FUL**

**Construction of a domestic open fronted double garage  
at The Rosary, Whinwath Lane, Kirklington  
for Mr Carl Les**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The dwelling is a two storey detached dwelling located on the northern side of the village within the Kirklington Conservation Area.

1.2 An existing double garage is at the front of the plot adjacent to the driveway. The building also has a store and first floor space within the roof served by an external staircase.

1.3 It is proposed to construct a detached, open fronted garage between the dwelling and the existing garage on an existing paved parking area at the front of the house. The dimensions of the proposed building are 7.2m x 6.8m with a ridge height of 4.9m (600mm below the ridge of the existing outbuilding).

1.4 The garage would be built in horizontal timber boards and a natural slate roof to match the existing garage building.

1.5 The applicant is a Member of the Council.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 05/01573/FUL - Two storey extension to dwelling; Granted 30 August 2005.

2.2 08/00248/FUL - Alterations and porch extension to existing dwelling and construction of a detached domestic garage; Granted 4 April 2008.

**3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

National Planning Policy Framework - published 27 March 2012

**4.0 CONSULTATIONS**

4.1 Parish Council - no comments received.

4.2 Site notice/local residents - no comments received.

## 5.0 OBSERVATIONS

- 5.1 The issues to be considered include the effect of the extension on the character and appearance of the existing dwelling and surrounding Conservation Area and the impact on residential amenity.

### Character and appearance

- 5.2 The proposed building would be similar in design and materials to the existing garage building but smaller in scale. The design is simple and the use of timber boarding emphasises the outbuilding nature of the proposed structure, which would clearly be ancillary and of secondary importance to the principal dwelling.

- 5.3 The proposed building would lie at the front of the property and be visible within the street-scene, within a prominent part of the Conservation Area. The building would be set back against the side boundary and as a result would not impinge on the main views into the site and would not detract from the appearance of the dwelling. The proposed development would not conflict with LDF Policies CP16 and CP17.

### Residential amenity

- 5.4 The proposed garage would be adjacent to the boundary with the neighbouring dwelling at Mill Beck. The principal aspect of this dwelling is to the south west and therefore the siting of the garage to the north west would not adversely affect the main outlook from that property. The proposed development would therefore not be contrary to LDF Policy DP1.

## 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 location plan and drawings numbered 01/06, 02/06 and 04/06 received by Hambleton District Council on 4 March and 8 April 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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



**Parish: Langthorne**

**Ward: Bedale**

**7**

**16/00222/FUL**

Committee Date: 28 April 2016

Officer dealing: Mrs H M Laws

Target Date: 6 May 2016

**Construction of a detached bungalow as amended by plans received by Hambleton District Council on 15 March 2016  
at Ash Brae, Langthorne  
for Mr & Mrs C McGee**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site forms part of a paddock area adjacent to the roadside, immediately to the north of Ash Brae bungalow at in Langthorne. The site covers an area of less than 0.1 hectares and gently slopes down from the road towards a pond, which lies to the east.
- 1.2 The village of Langthorne and the application site lie approximately 1.5km to the south of Hackforth and approximately 2.5km to Crakehall, which lies to the south west.
- 1.3 It is proposed to construct a dwelling on the site. The dwelling is split level with a contemporary design including a large area of glazing on the east elevation and a number of mono pitch roofs. The proposed accommodation is single storey, and includes two bedrooms, a kitchen/dining room, living room, study, utility room and an attached single garage. The dwelling would be finished in rendered blockwork with timber cladding and a sheet metal roof. Window frames and doors would be timber.
- 1.4 Access into the site would be shared with the adjacent paddock. The driveway would extend across the front of the dwelling providing a parking and turning area.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

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

Development Policies DP32 - General design

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 - no reply received.

4.2 Highway Authority - no objections subject to conditions.

4.3 Environmental Health Officer - no objection.

4.4 Public comment - two comments have been received, which are summarised as follows:

- Although not opposed to the dwelling we have concerns about construction noise being so close to our bedroom window;
- Proposed door on the west facing wall faces into the prevailing wind and is down wind of our fire chimney;
- The property will be seen from the A1 and may attract unwelcome visitors;
- We will be able to hear the cars on the drive if it is to be surfaced in gravel;
- The electric pole in the village moves in the wind and the cable may benefit from being underground;
- It is noted that the surface water will be drained into the pond we fear contaminants will drain onto our farmland. Our fields do not have a drainage system. The piped drainage system is in the large field to the north, behind Ash Brae and the land where the pond is sited;
- The building of a modern design timber and metal dwelling does not fit in with the rest of the village. The siting of the property will be the first thing seen when approaching the village from the north, on the road from Hackforth;
- The intended siting of the dwelling will be outside the village limits - the reason for refusing at least two previous applications for a dwelling on the same site;
- The two bungalows opposite the intended building site, Bankside and East View, were built as farm workers accommodation and are subject to Hambleton District Council's restrictions for farm workers in connection with West Farm, Langthorne.

## **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 and assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

### Principle

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the settlement hierarchy contained within the IPG, Langthorne is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies on the edge of the village of Langthorne, which has no facilities of its own but lies within close proximity (approximately 1.5km along the road) of Hackforth, another "other settlement" where there is a pub, a school and a village hall. It is considered that Langthorne and Hackforth are capable of forming a cluster with sufficient facilities and services to support a sustainable community. The IPG also notes that clustered villages should be approximately 2km apart. The distance by road to Crakehall, a Service Village, is slightly above this but overall it is considered that criterion 1 would be satisfied.

#### Character and appearance

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be on undeveloped land that lies beyond the row of residential properties on the northern side of the main village street. There are two dwellings on the opposite side of the road, which are also located beyond the main part of the village. 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."

- 5.6 The proposed development would extend the built part of Langthorne further to the north west and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village and would stand opposite two dwellings on the western side of the road, East View and Bankside, which mark the northern extent of the village. The boundary between the application site and the rural landscape to the north is established by a timber fence and hedgerow and the land is not in agricultural use.
- 5.7 The proposed development is set at a low level and respects the existing site contours. The proposed dwelling would not detract from the rural character of the site and would be viewed as a small scale development at the entrance to the village. The design of the dwelling is not traditional but is effectively a bungalow structure reflecting the character of the existing dwelling at Ash Brae. The dwelling lies far enough from the host property however for the relationship to be separate. The existing dwellings to the west are both white rendered bungalows and therefore the use of render provides a link with these properties. The timber cladding is suggested as a natural material to minimise the impact on the rural landscape and soften the appearance of the building.

### Residential amenity

- 5.8 The proposed dwelling lies far enough from its neighbours both at Ash Brae and the dwellings to the west, for there to be no impact on residential amenity. It is appreciated that additional vehicle movements will occur at the front of the site but these would not be significant in number and will not detract from the amenity of the nearest dwellings.

### Highway safety

- 5.9 The Highway Authority has no objections to the use of the existing access for the proposed dwelling.

## **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with the approved Standard Detail number E6; and e. Any gates or barriers

shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road U591 Langthorne Village Street from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference HDC/3082/02 Block Plan); and c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered HDC/3082/02 and 03 received by Hambleton District Council on 15 March and 8 April 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
5. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
6. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
8. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
10. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

**Outline application with all matters reserved for the construction of five dwellings at land adjacent to Applegarth Cottages, Main Street, Linton on Ouse for Mr William Kirby**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 The application site lies to the south side of Main Street and to the east of Applegarth Cottages, outside but abuts the Development Limits of Linton on Ouse. Opposite the site are residential properties with Linton Meadow to the northeast. A public footpath runs outside the site but along the eastern boundary. The River Ouse runs to the south approximately 500m from the application site at the nearest point. The site is in Flood Zone 1, at the lowest risk of flooding.
- 1.2 The application is in outline, with all matters reserved, for the construction of five dwellings on the field. At this stage no detail is submitted but the application is supported by a Design and Access Statement, which states that the development will be of good quality and in keeping with the character and appearance of the village. It indicates that the detailed design will include a landscaping scheme, which will enhance the local natural environment and include the planting of native species and will be developed in accordance with relevant planning policy and standards.
- 1.3 On access the applicant highlights that the site is located directly on Main Street, the principal street of the village. It is stated that access will be gained from Main Street and will be designed in accordance with relevant planning policies and standards.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 81/0857/OUT - Outline application for residential development; Refused 26 March 1981. This site was larger than that currently applied for.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy 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 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 DP13 - Achieving and maintaining the right mix of 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 DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Parish Council - No objection at this stage but request that consideration be given to issuing a Tree Preservation Order with respect to the large tree in the corner of the plot subject of this application.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Scientific Officer (Contaminated Land) - No objection subject to conditions.
- 4.4 Public Rights of Way Officer - No objection.
- 4.5 Yorkshire Water - No comments.
- 4.6 Rural Housing Enabler - A provision of 50% affordable housing should be sought.
- 4.7 Letters have been received from two local residents who have commented on the application:
- Object to the size of the properties, which are not needed;
  - Loss of fields used as grazing land;
  - Would not object to affordable houses or starter homes;
  - This is Green Belt land and should not be built on unless absolutely necessary;
  - Potential flooding issues to the rear from the ditch to the rear of the site;
  - Sewerage problems in the area; and
  - Blocking of drive from existing residents.

#### **5.0 OBSERVATIONS**

- 5.1 The key determining issues are (i) the principle of developing the site (ii) the Council's Interim Policy Guidance; (iii) the impact of the proposal on the character of the area and residential amenity; (iv) flooding and drainage; (v) highway impact and parking provision; and (vi) affordable housing.



## Principle

- 5.2 The site as noted is not within Development Limits of a settlement within the Settlement Hierarchy included in policy CP4. Policy CP4 seeks to restrict new development unless it meets the tests of CP1, CP2 and demonstrates an exceptional circumstance under criteria of CP4. In this case there is no exceptional circumstance and the scheme cannot benefit from the provisions of CP4. The NPPF is more permissive and the Interim Policy Guidance has been adopted to bridge the gap between the LDF policy and that of the NPPF.

## The Council's Interim Policy Guidance

- 5.3 The Council's Interim Policy Guidance (IPG) notes that small-scale development adjacent to the main built form of a settlement will 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 the account the scale and unique character and appearance of the settlement. The IPG sets out six criteria for the consideration of development, which are discussed below.
- 5.4 Linton on Ouse is designated as a Service Village in the Hambleton District Council Settlement Hierarchy 2014. Service villages are identified in the Hambleton Core Strategy Policy CP4 as the main location of services to promote those provided by Service Centres (i.e. Market Towns including Easingwold), to help meet the needs of local communities. The scheme would be within 400m of a village shop and post office, the village hall and playing field; a public house and public transport facilities, which include services to York and Easingwold. The proposal is also approximately 800 m from the primary school. As such the proposal would be located close to facilities which future residents could take advantage of without needing to rely on the private car.
- 5.5 There have been no other housing sites proposed within Linton on Ouse seeking to benefit from the provisions of the IPG.

## Character of the area and residential amenity

- 5.6 As the proposal has all matters reserved, there is no detail to consider the impact on the character of the area in terms of scale and mass of the proposals but the depth of the site would mean that the proposals would reflect the built form and character of the existing settlement, in particular Applegarth Cottages. The applicant has indicated that the detailed design will be developed in accordance with relevant planning policy and standards and the applicant has been made aware of the types of housing at most need in the District in order to develop their Reserved Matters submission.
- 5.7 Being for 5 houses, and considering the scale of the settlement, the proposal is considered to be small scale and could be designed to reflect the existing built form and character following the established building line to the east and on the opposite the side of the road. The proposed site depth would be similar to that of the neighbouring Applegarth Cottages and therefore the proposed site would follow existing established built forms and the settlement character. Taking account of the site size, the proposal could also be designed in a manner that would reflect and retain natural features such as hedgerows and trees with gaps maintained between properties and new planting enabling an enhancement to the local environment.
- 5.8 The precise relationship to neighbouring residents would be formed through the detailed design. There is adequate space to design appropriate separation distances and mitigation to reduce the physical impact of the proposals.

- 5.9 The comments of local residents are noted and have been considered. The site is not within the Green Belt and the policy presumptions relating to Green Belt land do not apply. The comment that more properties could be accommodated on the site is also noted. Whilst the site would be a large site for five dwellings, this could equally allow spacing between properties and a mix of styles and type of properties presented in the Reserved Matters. This together with the retention of trees and hedges within and adjacent to the site will also reduce the developable area but will help to achieve a high quality of development that is sought by the LDF, NPPF and the applicant.

#### Flooding and drainage

- 5.10 Whilst the comments of residents are noted, regarding flood risk at the site arising from the poor performance of local watercourses, the site is outside the flood zone relating to the River Ouse and associated watercourses. The proposal is below the national criteria for requiring the introduction of sustainable drainage systems. A site visit undertaken during a very wet period in early March shows no standing water on the site or local flooding. However the proposal could be designed to incorporate natural drainage systems. Yorkshire Water has raised no comments with regard to the proposal.
- 5.11 There is no evidence to demonstrate that the proposal would cause significant harm in relation to flooding and drainage.

#### Highway impact and parking provision

- 5.12 The comments of the Highway Authority are noted. There would be no objection raised subject to a satisfactory design being brought forward at the Reserved Matters stage. In order to form an entrance to the site some of the hedge on the frontage would have to be removed but a planting scheme could also be required to enhance the natural features of the site.

#### Affordable housing

- 5.13 Affordable Housing should be provided at 50% of the total development in line with policy. The application form states that the proposal is to provide 5 market units. The requirement to provide affordable housing can be secured by planning condition and conditions are shown below.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale of buildings overall.

3. The Reserved Matters details shall include a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of: (i) existing and proposed ground levels; (ii) dimensions of planting beds; (iii) site preparation; (iv) plant species/densities; tree species/sizes and locations; (v) arrangements to be made for the disposal of surface water; (vi) hard landscaping works; (vii) associated protective fencing to existing hedges and trees to be retained; and (viii) details of management and maintenance of any none private spaces created within the site. The approved scheme shall be implemented in accordance with the submitted details.
4. As part of the Reserved Matters submission details drainage details, including any sustainable urban drainage systems in the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained in good working condition as appropriate.
5. As part of the Reserved Matters submission a scheme for the delivery of on-site affordable housing provision shall be submitted to and agreed in writing by the Local Planning Authority. The proposed scheme shall include details of the proposed tenure, type and mix of dwellings to be included in the scheme.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the accesses shall have been approved in writing by the Local Planning Authority; and b. The crossings of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6. All works shall accord with the approved details.
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the accesses. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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 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. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. No development shall be commenced until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted details.
13. 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.
14. No soils shall be reused or imported onto site unless they have been certified as suitable for use in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure the success of the landscaping and planting scheme, and the establishment of the plants and to ensure the success and continuation of the landscaping and planting scheme, and the establishment of the plants for the future.

4. To promote the use of such drainage systems and to ensure that the proposals do not result in flooding either to the proposed properties or elsewhere.
5. In order to deliver an appropriate level and quality of affordable housing in accordance with Policies CP9, CP9A and DP15 of Hambleton Local Plan and the Council's Adopted Supplementary Planning Documents on Affordable Housing and Size, Tenure and Mix of New Dwellings.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with Local Plan policies CP2, DP3 and DP4 and in the interests of road safety.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. To ensure the satisfactory appearance of the development.
13. In the interests of human health and the environment.
14. In the interests of human health and the environment.

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## **9**

**16/00211/OUT**

**Outline application with some matters reserved (including access and layout) for the construction of an agricultural worker's dwelling as amended by plans received by Hambleton District Council on 6 April 2016 at Riverside Farm, Newby Wiske for Mr & Mrs C Cook**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the south eastern edge of Newby Wiske within the Newby Wiske Conservation Area at the entrance to the village after crossing the river. The site is currently a grass paddock covering an area of less than 0.1 hectares and lies at the entrance to Riverside Farm. The farm comprises of a group of livestock buildings between the River Wiske and the village and was established in 1986. There is no residential dwelling on the site.
- 1.2 It is proposed to construct a detached two storey dwelling on the site. The application is an outline application with access and layout as matters to be included for consideration at this stage. Illustrative details of the dwelling have been received, which show a double fronted L-shaped property with a front gable and attached garaging.
- 1.3 It is proposed to finish the dwelling in brickwork and pantiles with timber framed windows.
- 1.4 An agricultural appraisal has been submitted. The holding operates a beef finishing enterprise. The applicant is happy for an agricultural occupancy condition to be added to any permission granted.

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 Various applications and notifications for the construction of agricultural buildings have been submitted and approved between 1993 and 2013.

### **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 DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - in regards to the above planning application please be advised that the Councillors of Maunby, South Otterington and Newby Wiske object as it is outside the villages limit. If it was approved, the development should meet certain criteria (the height of the dwelling should respect the built form at that end of the village).
- 4.2 Highway Authority - conditions recommended.
- 4.3 Yorkshire Water - condition recommended.
- 4.4 Ministry of Defence - no safeguarding objections.
- 4.5 Environmental Health Officer - In determining this application I have considered the existing environment and the history of complaints from the proposal site. As there have been no complaints from this site I consider that there will be no negative impact on amenity and therefore the Environmental Health Service has no objections.
- 4.5 No public comments have been received.

#### **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; and assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the Conservation Area and the rural landscape; (iii) residential amenity; and (iv) highway safety.

##### The principle of development

- 5.2 The site falls outside of Development Limits as Newby Wiske 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 defined in policy CP4. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

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



- 5.4 In the settlement hierarchy contained within the IPG, Newby Wiske is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies on the edge of the village of Newby Wiske which is identified in the IPG as an example of a cluster village together with South Otterington. The two villages have long been linked economically and socially which continues to the present day and collectively have a church, a primary school and a pub. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Newby Wiske is less than 0.5km distance from South Otterington and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

#### Character and appearance

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG, relating to the scale of development and its impact on the settlement and the surrounding countryside. The proposed dwelling would be on undeveloped land that lies at the rear of residential properties on the eastern side of the main village street. There is agricultural land on the opposite side of the street. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.6 The proposed development would extend the built part of Newby Wiske further along the south eastern edge of the village. The application site, although undeveloped, does not form part of the countryside but has more in common with the village.
- 5.7 The proposed development would significantly alter the appearance of the site but it must be considered whether this would detract from the character and appearance of the Conservation Area. The existing site is not considered to be of special visual merit as an open space within the village and therefore there are no objections in principle to the construction of a dwelling. The proposed house would be viewed against a backdrop of existing buildings and established landscaping and would not therefore be unduly prominent. An existing well established hedgerow lies along the front boundary of the site and it is recommended that a condition be imposed to ensure the retention of the hedgerow, which contributes to the character of the village on the approach to the village.
- 5.8 The submitted details, although illustrative only, demonstrates that a traditional form of dwelling could be provided on the site. The details of the dwelling reflect those of the nearest neighbour at Bridge House, immediately to the west of the application site. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

## Residential amenity

- 5.9 The closest neighbours are Bridge House and Weighbridge Cottage immediately to the west. There is a distance of more than 50m between the edge of the application site and the rear elevation of Bridge House and a new two storey dwelling could be designed to prevent overshadowing or overlooking.
- 5.10 An agricultural appraisal has been submitted, which concludes that a residential dwelling is required to provide security and supervision for the livestock at the farm, which can no longer be served by the current residence in Sowerby, approximately 7 miles away. An agricultural occupancy restriction should only be imposed if planning permission would not otherwise be granted. It is considered that in this instance, the scheme would comply with the Interim Policy Guidance in principle in terms of the layout and form of the village. However, although there are no objections from the Environmental Health Officer, the site is within relatively close proximity of livestock buildings and the proposed dwelling would be closer to those buildings than the existing dwellings that have not been the source of complaints to date. As such there is the possibility of a loss of amenity to the proposed house due to noise, disturbance and smell from the farm operations. It is therefore considered that an agricultural occupancy condition would be appropriate in this case.

## **6.0 RECOMMENDATION**

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

plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1500mm, other than with the prior approval in writing by the Local Planning Authority.
7. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship of the proposed development to the existing dwelling to the west. 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.
8. 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 existing public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: b. vehicular access; c. vehicular parking; d. vehicular turning arrangements; and e. manoeuvring arrangements.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2016:06/02C received by Hambleton District Council on 6 April 2016 unless otherwise approved in writing by the Local Planning Authority.
14. 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
6. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
9. In accordance with the policy and in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
14. The proposed dwelling is located in a position which may result in a loss of amenity to the occupiers due to the proximity of the farm enterprise. It has been demonstrated that there is agricultural justification for the additional agricultural dwelling.

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# 10

15/02512/FUL

**Construction of Use Class A3/A4 public house with parking, associated works and removal of trees as per additional information received by Hambleton District Council on 5th February 2016 at land adjacent Barkers, Finkills Way, Northallerton for Marstons Pubs and Taverns Limited.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Full planning permission is sought for the construction of a new public house/restaurant together with associated works including car parking, access arrangements and landscaping.
- 1.2 The application site is part of a former factory site. The area surrounding the site is generally built up with retail units to the north and west of the site (former B&Q and Barkers Furniture Store) and is in a prominent location adjacent to the A167 and B6271 Yafforth Road. Willow Beck runs along the western edge of the site. To the south of the site is a large area of open space again associated with the demolished factory.
- 1.3 The proposed development would have a footprint of 532 sqm. It is proposed that the public house/restaurant be positioned to provide maximum public visibility to the public road frontage along with a layout to cater for parking, deliveries and external landscaping. To the west and north of the public house there would be an outdoor amenity area providing seating and a children's play area. The various elements of the public house/restaurant would be arranged around a central service core to conceal the least attractive elements of the development with equipment and plant located on a flat roof above the main core. This flat roof element would form part of a mansard providing a recessed well to hide air conditioning and other plant. The application also proposes ancillary staff accommodation in an upper floor of the building. It is Marston's policy to have a member of staff on site at all times for management purposes as well as security of the property and as such this accommodation is ancillary to the operation of the public house/restaurant. The public house/restaurant would have a maximum height (to ridge) of 9.8 metres for the accommodation block, although the majority of the building would be single storey and no more than 7.2 metres in height. The public house/restaurant element would be approximately 182 sqm in footprint measuring 15.4m by 11.8m (maximum dimensions).
- 1.4 The vehicular access to the site would be from a new access road off Finkills Way. Bus stops are located to the south of the site on the High Street, across Willow Beck with further bus stops located on Standard Way west of the site. Four cycle stands capable of holding 8 cycles are proposed for customer and staff use.
- 1.5 Additional landscaping is proposed around the perimeter of the site and the scheme includes 5 separate seating areas which incorporate extensive ornamental planting. Larger tree standards would be planted along the western boundary to provide screening.

- 1.6 A Flood risk Assessment was commissioned to support the planning application. The site lies on the right bank of Willow Beck, which is known to have flooded in 1979 and 2000. The flood risk for the development site was analysed utilising detailed modelling techniques. The flow hydrology was based on flow data provided by the Environment Agency. Water levels were calculated for the existing and proposed landforms. The ground models were used to calculate the volume of storage above ground level at 0.1m intervals. The results confirmed that the proposed development will result in additional flood storage. A number of flood risk mitigation measures in line with the recommendations of NPPF have been included within the proposed site plan. These include a finished floor level (FFL) of 39.6m AOD this being 0.94m above the 1 in 100 year flood level of 38.66m AOD provided by the Environment Agency and 0.58m above the highest recorded flood level.
- 1.7 It is understood that the existing site drainage system discharges via an un-attenuated gravity connection directly into Willow Beck. As part of this application a new attenuated drainage system is to be installed with a restricted discharge directly into Willow Beck limited to 10 litres per second. On site attenuation would be provided to accommodate the 1 in 100 year storm event plus 30% allowance for climate change. This would equate to an approximate 57% reduction from current discharge rates which would effectively reduce the site's contribution to off-site flooding.
- 1.8 With reference to foul drainage a pre-planning sewerage enquiry has been made to Yorkshire Water. The foul water from the proposed restaurant/public house development would be discharged via a gravity system into the existing 300mm diameter Yorkshire Water sewer located within Yafforth Road. All private drainage works would conform to part H of the current Building Regulations and BS EN 752.
- 1.9 Through the course of the application additional supporting information has been submitted with regard to the marketing of the site and the sequential test in terms of the location of the proposed development this includes a detailed statement from Mr Fordy, who has acted as agent marketing this site.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 No relevant planning or enforcement history

## **3.0 RELEVANT POLICY**

- 3.1 The relevant policies are:

Allocation NE2 Yafforth Road/Finkills Way Northallerton (0.76ha) - allocated for business development (B1)

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP14 – Retail and Town Centre development

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 DP6 - Utilities and infrastructure

Development Policies DP17 – Retention of employment sites

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains

National Planning Policy Framework



## 4.0 CONSULTATIONS

- 4.1 Town Council – No observations
- 4.2 Highway Authority – No objection subject to standard conditions. No additional comments in respect of further details submitted.
- 4.3 Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the original flood risk assessment and additional FRA addendum ref 2015s2925 dated Oct 2015, submitted with this application are implemented and secured by way of a planning condition on any planning permission. Further standard conditions are recommended. No further comments with regard to additional information received.
- 4.4 Environmental Health Officer – No objection. No further comments following additional information.
- 4.5 Network Rail – No objection subject to conditions.
- 4.6 Economic Development – We are supportive of this application. It contributes to the on-going development of Northallerton and brings back into economic use a site that has been vacant for a considerable length of time.
- 4.7 Swale and Ure Drainage Board - Please condition approval of the Surface Water drainage scheme prior to commencement.

Further comments:

Surface Water discharge control peak volume is set against an assumption that the pre-condition of the site generates 23 litres per second. However, it is clear that the site has been cleared for some considerable time and I do not accept therefore that this is the true situation. Although there is considerable impermeable surface I doubt this is formally drained now. I would therefore repeat my previous comment that the Board would want to see the SW discharge controlled to the de-minimis value of 5 litres per second unless it can be demonstrated that positive drainage of 23 litres per second is reaching the Willow Beck in the site's current condition.

- 4.8 Ancient Monuments Society - No observations
- 4.9 NYCC SUDS and Development Control Officer - confirms that as the proposals are not for major development we do not wish to make any comments on this occasion. No additional comments on additional information.
- 4.10 Northallerton and District Local History Society – Detailed comments have been submitted. They particularly refer to the heritage of the surroundings to the site and comprise notes regarding their importance and future potential.

The whole ought to be properly regarded as it was in the distant and recent past, as a significant gateway into the town from the north. It should be seen to be important, with its natural and built assets presented to view in a well-considered and coherent landscape. This means that all changes are crucial, especially any new construction. Of particular concern is any impact on the listed North Bridge and its curtilage:

- The site area should not abut or run along the parapet wall;
- Nothing may be done to adversely affect this structure in any way;
- The proposed details do not recognise these requirements; and
- Any work in the area should improve and not detract from access and appearance.

- 4.11 FT Construction has written in support of the application stating that it forms part of the first phase of a major redevelopment of the wider site and is a vital key stage to unlocking further investors in what is an extremely fragile market. They also state that they have firm interest for a further part of the site which will also involve the relocation of Langtons who are a steel fabricating business, and formation of a stunning riverside footpath which will bring added value to the town with investment from new operators and more jobs for local people. FT Construction state that this application follows lengthy negotiations which will now be in jeopardy with momentum slipping away from the project since this application should have been determined in January and it is becoming increasingly difficult to persuade those people who have committed to the site not to divert their resources to other sites in Yorkshire.
- 4.12 Public comment – One objection has been received and can be briefly summarised as:
- Heritage assets need to be considered and in particular the listed bridge;
  - Pointless new fence;
  - Connecting footpath links;
  - Concerns about the flooding strategy and impact on the area; and
  - Various information from all parties on flooding needs to be brought together in a coherent manner.
- 4.13 A detailed submission has been prepared by Martin Woolley, Landscape Architect, Dave Sargent, Landscape Architect, Matt Millington, Ecologist, John Parkinson, Local Historian and Malcolm Barnett, Landscape Architect. In brief this raises the following points:
- Local Plan Allocation text highlights the prominence of the site and the requirement for the development to enhance the approach into Northallerton and to be of a suitable high quality design and landscape scheme.
  - The submission does not recognise the historic sensitivity of the area, the prominence of the site and the significance of the site's values and those of its overall landscape context.
  - The prominence and sensitivity of the site is heightened by its close proximity to the boundary of the extensive conservation area that encompasses the whole of the town's historic core.
  - Existing tree belt bordering the site is part of the historic tree belt and parkland tree layout that forms the setting to the Grade 2 listed building of The Mount.
  - The site is bounded by North Bridge on its north- east boundary. North Bridge is an historic stone John Carr Grade 2 listed structure..
  - Historic character of setting of North Bridge has been significantly damaged by the recent realignment of North Beck, which flows along the eastern boundary of the site, and the removal of many mature waterside trees. It is essential that the high quality landscape scheme restores the historic tree'd and wooded setting of the Bridge and the character of North Beck as a valuable and attractive wildlife corridor and also sympathetically stabilises the raw and eroding banks resulting from the engineering operation.
  - North Beck corridor provides important long term potential to provide a pedestrian [and possibly also a cycleway] routeway linking North Northallerton and the centre of Northallerton.
  - High quality landscape scheme is an integral element of the proposal for this prominent site. Full details of scheme, including tree management, planting, topography, surfaces, protection, soils, technical specification, establishment, maintenance, long term management and associated commitments to implement schemes, to be included as an integral component of submission.

- We object to the scheme as proposed as it is not sympathetic to the character and sensitivities of the site and of the surroundings nor to the opportunities to enhance the approach to Northallerton and restore local character and to integrate the site into the wider context.

Further comments following receipt of additional information:

- Welcome the footpath proposals
- The submission does not recognise the significance and sensitivity of the site as a gateway to the town.
- The submitted information addresses elements of landscape in isolation
- The submission and comments do not appear to recognise the all-encompassing nature of landscape and the important formative, strategic and essential integrating role that landscape plays in site planning and design.
- The Local Plan Allocation text highlights the prominence of the site and the requirement for the development to enhance the approach into Northallerton and to be of a suitable high quality design and landscape scheme.
- We therefore recommend that an holistic and strategic landscape scheme be prepared and submitted as an integral part of the application
- High quality landscape scheme is an integral element of the proposal for this prominent site.
- We re-iterate our objection to the scheme as proposed as it is not sympathetic to the character and sensitivities of the site and of the surroundings nor to the opportunities to enhance the approach to Northallerton and restore local character and to integrate the site into the wider context.

## 5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case are (i) the loss of employment land, contrary to the LDF allocation; (ii) whether the site has been suitably marketed in order to address the question of the allocation and use of the site for B1 and B2 uses; (iii) whether there are alternative sites which would have less impact on the vitality and viability of the Town Centre (sequential assessment); (iv) whether the proposed design and landscaping is suitable given the context of the site; (v) whether the site would be at risk of or impact on flood risk; and (vi) whether the proposed development would have any detrimental impacts on the local highway network or road safety. Finally, as the development would not accord with the Development Plan allocation for the site, it is necessary to consider the planning balance and whether other material considerations provide support for the development.

### Loss of employment land

- 5.2 The application site is allocated for employment use (part of NE2). Subsequent to allocation the site was assessed by consultants GVA who were commissioned to undertake the Employment Land Review (ELR), published in 2014. Within the ELR assessment the site is noted as suitable for general industrial use with potential to attract regional occupiers and the ELR recommends protecting NE2 (the application site) alongside allocations NM5E, NM5D (North Northallerton) for employment uses into the future.
- 5.3 Together these sites are considered to be sufficient to meet the demand for employment land within Northallerton's Functional Economic Market Area (FEMA).
- 5.4 Given the allocation and the assessment more recently through the ELR, it is necessary therefore to consider the supply position across the FEMA and the relative demand for other uses in line with DP17 and paragraph 22 of the NPPF.

- 5.5 With regards to the supply, the ELR noted that the supply was sufficient to meet the demand within Northallerton. However it also considered that 11.5 hectares of that supply was on one site and that other sites could be argued to be needed in order to ensure choice in the Market. Currently other allocated employment sites within Northallerton are under pressure from development for other uses, there is an application for housing development at NE1 further west on Yafforth Road, and the current application at North Northallerton sought permission for only 3250 sq.m of employment land (15/0183/HYB), the allocation was for 5.8 ha within NM5D and a further 5.7 hectares at NM5E (it is understood that NM5E did not form part of the current North Northallerton site). There is potential for other employment sites, non-allocated, to come forward and boost supply. Additional sites were assessed as part of the ELR and three potential additional sites were considered to be fairly high scoring and could be considered in a future plan should demand be sufficient. These were land south of Finkills Way (0.15 hectares), a reasonably small site, with no prominent road frontage, land at Mount View Business Park, Standard Way, again with no prominent road frontage, and Northallerton Prison Site (3.06 hectares). The Central Northallerton Masterplan indicates that the Prison site is likely to be mixed use. Whilst there are other potential sites available for employment use, the application site provides a higher quality site, based on the ELR assessment. It should also be noted that these potential sites were sites put forward for consideration during the preparation of the allocations document. Further work would be needed to understand the current availability of these sites.
- 5.6 The recent call for sites included sites for employment uses. This call for sites closed on the 19th February 2016. The sites are yet to be assessed for suitability, viability and deliverability. The amount of land available for employment remains to be determined.
- 5.7 The application site has been marketed, but the agent states that there has been little interest in employment use on the site. The economic development team have recently carried out a survey of businesses within Hambleton's industrial estates, the findings of which will help support an up to date picture of demand for sites. Interim findings are expected shortly. This will support the review of the ELR. The site has been vacant since before 2001 and has been marketed throughout this period
- 5.8 It acknowledged that the proposed use provides an active use of this vacant site and that jobs will be provided. It is also noted from the retail and town centre use study that there is scope for additional leisure including family restaurants within Northallerton. However, at present there is insufficient information on local supply and demand dynamics to fully understand the impact of the loss of this site for employment use.
- 5.9 Paragraph 24 of the National Planning Policy Framework states that "Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up to date local plan. They should require applications for main town centre uses to be located in town centres, then an edge-of-centre location and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale".
- 5.10 The site is (partly) within the NE2 allocation within the adopted Hambleton Local Development Framework. The site is allocated for business development (B1) subject to:
- Flood alleviation measures being in place prior to any development of the site;

- High quality design and landscaping being incorporated into any development proposal to enhance the appearance of the development on site; and
  - Developer contributions being secured towards the construction of the North Northallerton Link Road and, if required drainage and sewerage infrastructure.
- 5.11 DP17 sets out the Council's commitment to retaining employment sites. It states that alternative land uses (i.e. non-Class B uses) will not be granted unless one of four listed criteria is satisfied. These are:
- 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; 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.
- 5.12 NPPF paragraph 22 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. Land allocations should be regularly reviewed. 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 sustainable local communities".
- 5.13 With regard to the supply of alternative employment land (DP17 criterion i), the Employment Land Review noted that the supply was sufficient to meet the demand within Northallerton. However, this did consider that 11.15 hectares of that supply was on one site and that other sites could be argued to be needed in order to ensure choice in the market. Currently other allocated employment sites within Northallerton are under pressure from development for other uses, there is an application for housing development at NE1 to the west of the application site on Yafforth Road, and the current application at North Northallerton (15/0183/HYB) sought permission for only 3,250 sq.m of employment land whereas the relevant part of the allocation was for 5.8 hectares. There is potential for other employment sites, allocated and unallocated, to come forward and boost supply. Additional sites were assessed as part of the ELR and three potential additional sites were considered to be fairly high scoring and could be considered in a future plan should demand be sufficient. These were:
- Land South of Finkills Way (0.15 hectares) - a reasonably small site, with no prominent road frontage;
  - Land at Mount View Business Park, Standard Way - again no prominent road frontage; and
  - Northallerton Prison site (3.06 hectares) - the Central Northallerton Masterplan indicates that the site is likely to be mixed use.
- 5.14 Whilst there are other potential sites available for employment use, the application site provides a higher quality site, based on the ELR assessment. It should also be noted that these potential sites were sites put forward for consideration during the preparation of the allocations document.
- 5.15 In summary there is concern about the timing of this application in relation to the supply and demand for employment sites within Northallerton and work being done to assess the future needs of Northallerton. As such it is important to take into consideration each criterion under DP17, of particular relevance to this application is

the marketing of the site (DP17 criterion ii), the availability of other local employment sites (DP17 criterion i) and the sequential approach in order to assess whether or not it is reasonable in this case to set aside the allocation and release this land for purposes other than B1 employment uses.

### Marketing

- 5.16 Through the course of the application additional information has been submitted regarding the marketing of the site. The information submitted states that the site has been marketed for 4 years with two offers: one for a pub/restaurant and one for a discount food store. The largest majority of enquiries have come from developers, interested in acquiring the property on a conditional basis subject to achieving planning consent most linked to retail proposals. The applicant considers that the lack of interest from the 'employment' sector is partly due to the complex nature of the site including flooding issues but primarily due to the fact there is extensive existing floor space for these categories of uses already built and available in Northallerton as well as the oversupply of existing employment land, both factors summarised in the recent Employment Land Review Report prepared for Hambleton District Council by GVA in November 2013. However, on submission of the application, Officers had concerns with regard to the form that the marketing had taken especially considering that the marketing over the last two years had focussed on retail and leisure uses. The additional information submitted by the applicant and referred to below has largely allayed these concerns.
- 5.17 A letter from Mr Chris Fordy of Fordy Marshall, dated 18 March 2016 sets out additional information with regard to the marketing of the site. The site was purchased by FT Construction Group in 2007 and had been empty at that time for at least five years. The building on site at the time was in poor condition and not suitable for re-use and had been actively marketed for sale by the previous owners for several years without interest. FT construction initially purchased the site with a view to moving their operations from Construction House to this site. These plans were shelved due to a downturn in the economy and flooding issues on the site. FT no longer has plans to move to this site. Extensive re-alignment works of Willow Beck have now been undertaken to mitigate the flooding issues. Prior to marketing following the purchasing of the site plans were drawn up for the site to include a mix of B1 offices, light industrial units and B8 Trade Counter units. However, these plans were shelved due to the worsening economic climate and an oversupply of commercial property in Northallerton. FTs efforts within Northallerton were then re-focussed on other property in Mount View Business Park which they considered to be simpler to bring to market.
- 5.18 FT Construction took their own steps to market the site for business space opportunities prior to Mr Chris Fordy being retained as Agent in 2011 and options were discussed with a number of potential occupiers, but nothing came of any of these approaches. Mr Fordy was then retained as Agent and marketed the Mount View site where 1.26 acres of serviced land remains available and undeveloped today. The Mount View site remains on the market for B1 B2 and B8 uses and Mr Fordy states that this demonstrates the lack of interest in this type of property locally. Dale House, within this development has also been vacant and on the market for 4 years.
- 5.19 In 2011 a new for sale board was erected on the site which simply stated "Prime Development Land". The site was marketed on the basis of the whole of the site or in part or as a design and build opportunity. This was also marketed through the Strutt and Parker web site.

- 5.20 The Instruction then passed to Fordy Marshall in 2013, who has continued to market the site.
- 5.21 During the 9 year period in which the site has been in the current ownership, and offered to the market, Mr Fordy states that there has been a significant oversupply of both offices and light industrial floor space in Northallerton. This has led to stagnant growth in capital and rental values for B1, B2 and B8 property in the town which has heightened the lack of viability for building new facilities on sites such as the application site.
- 5.23 The marketing report submitted shows that whilst there has been interest in the site over the last four years, and previously to that there has been little firm interest, the majority of enquiries have been for car sales, retail and leisure uses. Further, this marketing information reasonably demonstrates that other employment sites are currently available in Northallerton and as such it is considered that the site has been sufficiently well marketed to justify the departure from the allocation for employment uses on this site.

#### Sequential Assessment

- 5.24 Paragraph 24 of the NPPF confirms that planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be considered. The guidance advises that, when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well-connected to the town centre. Applicants and planning authorities should demonstrate flexibility on issues such as format and scale.
- 5.25 The online Planning Practice Guidance advises that the application of the sequential test should be proportionate and appropriate for the given proposal and sets out the following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well-connected to the town centre. Any associated reasoning should be set out clearly.
  - Is there scope for flexibility in the format and / or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
  - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 5.26 The planning application is accompanied by a Sequential Assessment prepared by Cerda Planning, which seeks to undertake an assessment of the suitability and availability of nine potential sites within and to the edge of Northallerton Town Centre to accommodate the proposed public house/restaurant.
- 5.27 It would appear that Cerda Planning has assessed the locational status of the application site and identified alternative sites relative to their proximity to the Primary Retail Area. However, Annex 2 of the NPPF confirms that for other main town centre uses, which includes the proposed public house/restaurant, edge-of-centre sites are

defined in relation to their proximity to the town centre boundary as opposed to the primary shopping area. It is therefore evident that a number of the identified alternative sites would be classed as in-centre for the purposes of the sequential assessment for the proposed public house/restaurant, whilst the application site would be classed as edge-of-centre rather than out-of-centre given it lies within 300m of the defined Northallerton Town Centre boundary. Notwithstanding this it is considered that the alternative sites were fairly assessed and this is not considered to impact on the sequential test in overall terms.

- 5.28 The submitted sequential test essentially looks at the availability of alternative sites within and adjacent to the Town Centre and assesses them in terms of suitability for the proposed use and their availability. The sites considered were Northallerton Prison, The former Rutson Hospital, Kwik Fit and Northallerton Tyre and Battery, County Business Park, Walter Thompson Builders Yard, Auction Mart site and car park and a site on the corner of Friarage Street and East Road Northallerton.
- 5.29 A third party assessment of the sequential test was also commissioned by HDC to ensure that the approach taken by the applicant was a reasonable one. The Prison site was discounted due to availability and the likely timescales to completion of development. The Vine House at the former Rutson Hospital site was discounted owing to the lack of parking in the vicinity, 50% of the floor space being at first floor level and the lack of external operational space for a play area. The nature of the proposed business, in terms of their floor space, parking requirements and business model is considered to add to the existing food offer within Northallerton. The report commissioned by HDC has confirmed that the conclusions reached in the submitted sequential test are reasonable and that the proposed site is the closest site to the Town Centre which is both available and meets the requirements of the operator.
- 5.30 Overall the site is shown by the assessment to be acceptable when subject to the sequential test. It is considered that the impact upon the vitality and viability of the Town Centre will be minimal as the development site is edge of centre and will enhance the range and choice of public houses which are food led. Officers agree with the applicant's findings so it can also be concluded that the proposal meets the tests of the LDF policies and of the NPPF in these terms.

#### Design and landscaping

- 5.31 The design of the proposed development has been developed as a series of building elements focused around a central core, evocative of traditional development forms. It is considered that the building height and scale have been carefully considered to ensure that the development would be in balance with its immediate surroundings and in particular the existing road network. To the west and north of the public house there would be an outdoor amenity area providing seating and a children's play area. It is considered that the building has been arranged not only to make the most of the site levels but also to use the building form to establish the site as a destination. The outdoor play area and seating have been designed to attract activity to the frontage but also to consider the inclusion of landscaping. Overall it is considered that the design meets the requirements set out within policies CP17 and DP32 of the Local Development Framework.
- 5.32 The nature and form of the proposed development is relatively low key with a small footprint, but an emphasis on outside space and parking. The parking layout in particular has been amended in order to allow for the creation of a more attractive space close to the Yafforth Road frontage. Generally, the proposal is considered to facilitate a more attractive built form than may have been possible from a B1 or B2 employment use in this location.



- 5.33 Concern has been expressed about the potential impact on the setting of the listed North Bridge. However, the design, form and location of the development on the site is considered to have little impact on the setting of North Bridge and will not detract from the character or historic merit of the bridge.
- 5.34 It is considered that the revised landscaping plan is now a more integrated part of the overall design which would complement and enhance the development. The scheme would create a visually pleasant environment incorporating appropriate planting within the new garden. It is considered that the landscaping scheme is in accordance with Policy DP33 of the LDF.
- 5.35 Concerns have been raised about the lack of a comprehensive landscape strategy for this site and the wider area. These concerns look at issues around the Yafforth Road frontage in terms of the trees and other landscape features and the river frontage. The applicant has sought to address these concerns as far as they are able, given that they have no control over the wider site. The owner of the wider site is aware of these concerns and has agreed in principle to the extension of the proposed riverside footpath link through the wider development although this is not within the application site and would be subject to a future application. Whilst all third party concerns have not been addressed by the proposals Officers consider that the applicant has responded to them as far as they are able and created an acceptable scheme as a result.
- 5.36 Generally the existing trees on the site have been managed based on the previous use although some neglect, tree decline and diminished amenity is noted. As such it is considered that a scheme which increases soft landscape cover and planting space will present a good enhancement opportunity for the site.
- 5.37 Various works are proposed to the trees in the vicinity of the application site in order to improve their overall health and form but also to improve the visibility of the site from the road. The majority of the works involve minor crown raising with only limited tree removal. The proposed works are considered to be acceptable.

#### Flooding and drainage

- 5.38 The site is within Flood Zone 2. A Flood Risk Assessment (FRA) has been prepared for the scheme. It includes a finished floor level (FFL) of 39.6m AOD this being 0.94m above the 1 in 100 year flood level of 38.66m AOD. It is considered that the information submitted within the Flood Risk Assessment is acceptable and the Environment Agency is satisfied that the scheme can be constructed without detriment, subject to planning conditions.
- 5.39 Planning conditions can be imposed to require the submission for approval of a scheme to meet the requirements of the Flood Risk Assessment of the site and for subsequent compliance with the approved scheme. Such an approach is consistent with LDF policies CP21 and DP43 and the NPPF.
- 5.40 Some concerns have been raised about the run-off figures used within the Flood Risk Assessment and in particular whether or not this assumed that there was any existing drainage on site. The applicant has confirmed that whilst the buildings have been demolished the ground drainage of the site has not been disturbed and is still in place.
- 5.41 The new attenuated drainage system is to be installed with a restricted discharge directly into Willow Beck to accommodate the 1 to 100 year storm event plus 30% allowance for climate change without any off site flooding. This would equate to an approximate 57% reduction from current discharge rates.

- 5.42 The foul water from the proposed restaurant/public house development would discharge via a gravity system into the existing 300mm diameter Yorkshire Water sewer located within Yafforth Road.
- 5.43 Planning conditions can be imposed to require the works are carried out in accordance with the submitted schemes. Such an approach is consistent with LDF policies CP21 and DP43 and the NPPF. The proposed development is considered to improve the impact of the site in flooding terms by reducing the run-off rate from the site. The proposed scheme is considered to accord with LDF policy in these terms.

#### Highways

- 5.44 Vehicular access to the site would be from the new access road off Finkills Way. The Highway Authority has no objection to the application subject to standard conditions. It is considered therefore that the scheme would not compromise highway safety and the new access is therefore suitable.
- 5.45 The application incorporates a significant parking area which has been redesigned through the course of the application and now provides a total of 51 parking spaces.

#### The planning balance

- 5.46 In overall terms the scheme is considered to provide a great improvement to the character, appearance and amenity of this part of Northallerton although a number of concerns have been expressed regarding a lack of a holistic approach to the landscaping and drainage of the wider site.
- 5.47 Whilst the proposed development is not wholly compliant with the allocation in terms of seeking a B1 employment use, the proposed Public House will provide an economic use within this part of Northallerton along with an opportunity to greatly improve the visual amenity of the area which has been derelict for more than ten years. It is considered that the marketing, whilst not wholly consistent with the allocation has sufficiently demonstrated that there is no expectation of the B1 occupier coming forward within a reasonable time frame.
- 5.48 Other sites within the Town Centre have been assessed for suitability and availability and none found to be suitable or available within a reasonable time frame.
- 5.49 The design and form of the development and associated landscaping, whilst not ground breaking are considered to be acceptable in this location and will facilitate significant environmental and visual amenity improvements in this part of the town.
- 5.50 The drainage strategy is generally considered to be acceptable, subject to details being provided and implemented through suitable conditions.
- 5.51 Returning to the criteria set out in Development Policy DP17. The policy requires for only one of the criteria to be met to justify the release of allocated land. In this case it is considered that all of the criteria are wholly or partially met.
- 5.52 On balance and taking into consideration all material planning considerations it is recommended that planning permission be granted.

## **6.0 RECOMMENDATION**

- 6.1 That Planning Permission is **GRANTED**, subject to any outstanding consultations and subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
3. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by the Local Planning Authority in consultation with Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway,
4. Because of the nature of the proposed developments it is considered that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged, details which shall be submitted to and approved in writing by the Local Planning Authority.
5. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over the level crossing on High Street adjacent to the site should remain clear and unobstructed at all times both during and after construction.
6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
7. The surface water discharge shall be controlled to the de minimis value of 5 litres per second unless it can be demonstrated that positive drainage of 23 litres per second is reaching the Willow Beck in the site's current condition, details which shall be submitted to and approved in writing by the Local Planning Authority.
8. The developer is required to submit, as a minimum, a Phase 1 Preliminary Risk Assessment, in accordance with the Land Contamination Consultation Criteria Information Requirements and Conditions guidance details of which shall be submitted and approved in writing by the Local Planning Authority.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved original flood risk assessment (FRA) and additional FRA addendum ref 2015s2925 dated Oct 2015, and the following mitigation measures detailed within them: 1. Limiting the surface water run-off to 10l/s, which is approximately a 57% reduction in surface water flow, calculations are to be provided to demonstrate this. The applicant must ensure they provide an absolute minimum of a 30% reduction in surface water run-off from the site; 2. Provision of compensatory flood storage as detailed within the original FRA and FRA addendum and in accordance with drawings 2015s2925-002 and 2015s2925-003; and 3. Finished floor levels are set no lower than 39.6m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway footway shall be a dropped kerb crossing, constructed in accordance with the Standard Detail number E7 Var; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
12. No part of the development shall be brought into use until the existing access on to Finkills Way has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
13. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference H8054/55 Rev D Proposed Site Plan); and c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

16. 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.
17. 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.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered H8054/50C, 59A, 51C, 52B, 56C received by Hambleton District Council on 5th November 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of rail safety.
3. In the interests of rail safety
4. In the interests of rail safety
5. In the interests of rail safety
6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. 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 Local Development Framework.
9. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; and to reduce the risk of flooding to the proposed development and future occupants.

10. In accordance with the policy CP2 and in the interests of highway safety.
11. In accordance with the policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
12. In accordance with the policy CP2 and in the interests of highway safety.
13. In accordance with the policy CP2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
14. In accordance with the policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. 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.
17. 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 DP33.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP2, CP12, CP17, DP1, DP3, DP4, DP6, DP32, DP33 and DP43.

# 11

16/00430/FUL

**Revised retrospective application for permanent retention of log cabin for agricultural workers dwelling  
at The Baggins, Thornton Lane, Thornton Hill  
for Mr Parker-Nicholls**

## 1.0 APPLICATION SITE AND PROPOSALS

- 1.1 The application site is a pig farm located on the eastern side of Thornton Lane, the farm buildings are located up a farm track and are hidden away from the road by the change in levels and significant trees and hedgerows.
- 1.2 The applicant submits that since the farm was purchased by the owners in 2005, the enterprise has been developed into a successful free-range pig enterprise. After substantial further investment the finishing enterprise has been expanded into an outdoor breeding unit for batch farrowing. Pig numbers are approximately 1,650 including sows, piglets, growers and finishers.
- 1.3 There is also a flock of approximately 60 purebred Wensleydale ewes which will be enhanced with the introduction of Dalesbred Sheep, which will be crossed to produce a "Masham". The farm is also planning to take on suckler cows in the future.
- 1.4 The application is to seek to retain the existing log cabin on the site for agricultural workers. The cabin was granted temporary permission until 1 April 2013 as the building was not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site.
- 1.5 The application is referred to Committee at the request of the Ward Member.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 05/01897/FUL - Two free range egg production units, an agricultural building and a new vehicular access; siting of a temporary agricultural workers dwelling; Withdrawn 12 April 2006.
- 2.2 06/00789/APN - Prior notification for the construction of an agricultural building for the storage of agricultural implements, workshop/store and feed store; Refused 5 May 2006.
- 2.3 06/01788/FUL - Revised application for the construction of a free range organic egg production unit and an agricultural building; Refused 3 November 2006.
- 2.4 09/00886/APN - Prior notification for construction of agricultural steel framed portal storage building; Granted 27 April 2009.
- 2.5 10/00106/APN - Prior notification for construction of 2 feed storage bins and 1 livestock loading coral; Granted 18 February 2010.
- 2.6 10/00108/FUL - Temporary siting of a log cabin to be used as an agricultural workers dwelling; Granted 1 April 2010. This is the development it is now proposed to be retained.

- 2.7 14/01430/FUL - Agricultural worker's dwelling; Withdrawn 19 January 2015.
- 2.8 15/01645/APN - Agricultural building for the storage of straw - Granted 7 September 2015.
- 2.9 13/00059/CAT3 – Enforcement investigation: siting of 6 feed storage bins; Case closed 11 March 2013.
- 2.10 15/01555/FUL - Revised application for the construction of an agricultural workers dwellinghouse and triple garage; Refused 2 September 2015 for two reasons:
1. There was no essential need or requirement demonstrated to justify a second agricultural workers dwelling on site, or of the size proposed.
  2. The design of the proposed building failed to respect the character and distinctiveness of the Howardian Hills Area of Outstanding Natural Beauty.

### **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 CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP26 - Agricultural issues  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 National Planning Policy Framework - published 27 March 2012  
 National Planning Practice Guidance  
 Written Ministerial Statement on Landscape Character dated 27 March 2015

### **4.0 CONSULTATIONS**

- 4.1 Thornton on the Hill Parish Council – Following consultation with the parishioners it was agreed the farmer does require his accommodation and this accommodation has been adequate for his needs. When the temporary application for the lodge the first time was granted, it was agreed that the farmer produced his books to show this business is viable before reconsidering further development or permanency - this should still stand. The main concerns were also related to the size of the farm and the road bearing in mind this is AONB land and therefore must be kept in natural beauty; The road is not suitable for further livestock development (heavy vehicle movements) due to the condition of the road - it is also a National Cycle route and is increasingly busy with cyclists. The size of the farm to the amount of livestock. The house is visible from Thornton Lane as well as Malton Street. Most farmers with temporary vet students i.e. lambing time provide a tourer caravan for vet student accommodation usually placed within the building to supervise lambing - this is acceptable in AONB land.
- 4.2 Howardian Hills AONB Board - No objection. The log cabin has been present on the site for a number of years following the initial grant of temporary planning consent. No objections were raised in regard to impact on the AONB at that time and the building has subsequently weathered to a darker hue. This application will regularise the situation following the recent applications for more substantial permanent



dwellings. Its approval would allow the farming operation to continue as intended at the time of the first application. A condition should however be attached to any approval, requiring the demolition of the existing log cabin should an application subsequently be approved for a more substantial farmhouse on the site, which was also subject to an Agricultural Occupancy Restriction.

4.3 Highway Authority - No objection.

4.4 Public comment – One letter of objection received. This highlights the following matters:

- The timber dwelling should be retained in the existing position
- Timber dwellings have been found acceptable but not generally in the AONB
- There are low costs homes in Husthwaite and note that some farmers live up to 2 miles from their stock
- No additional dwellings should be built for casual workers, who should be accommodated in a static caravan
- Questions how the pig business can be viable on a 60 acre holding and suggests looking at the expenditure over the last few years.

## 5.0 OBSERVATIONS

5.1 The key determining issues are (i) the continued agricultural need for the workers dwelling and (ii) the visual impact of the building, in particular having regard to the materials used. Whilst the AONB Board representations relate to future development, any proposal for an alternative agricultural workers dwelling would have to be considered on its own merits and therefore should not be considered now.

### Agricultural need

5.2 Having noted the site and supporting information and further applications approved in relation to the agricultural storage building in 2013 and 2015 the site has consolidated the previous agricultural business. In considering the need of a dwelling for the purposes of supporting the agriculture enterprise it is considered that there continues to be an essential need for a dwelling to fulfil the functional role that has previously been found to exist. The applicant has continued to expand the infrastructure and investment in the farm. This indicates a commitment to the future of the farming enterprise. This supports the conclusion that the building should be retained for the purposes of agriculture. A condition can be applied to require that the dwelling is only occupied for the purposes of accommodating an agricultural worker(s).

5.3 The principal change in policy since the original approval is the introduction of the National Planning Policy Framework which sets out support for rural enterprises at Paragraph 28. Since the original approval the agricultural enterprise has continued to grow and with future growth planned there is support from both the Parish Council and policy guidance.

### Visual impact

5.4 The previous refusal has been noted and considered. This related to a substantive four bedroom dwelling and triple garage which was considered too large in size to present an essential need for an agricultural dwelling. The support for the retention of the log cabin therefore does not compromise the previous refusals.

5.5 The comments of the AONB Board have been noted and carefully considered. The building has aged in a manner that has reduced its physical impact on the landscape. Further the physical position of the dwelling is in a dip in the land and is well screened from public vantage points. The use of timber as a building material and the increased quality and use of log cabins as an acceptable form of rural development in both agricultural and tourism is noted. As such, based on a visual assessment of the site, planning policy and having regard to consultee comments, the building as retained, would be an acceptable form of development.

## 6.0 **RECOMMENDATION**

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

1. 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.

The reason is:

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

# 12

15/02803/FUL

**Fabrication workshop and associated hard standing for the manufacture of agricultural buildings  
at land on the north side of Dalton Old Airfield Industrial Estate, Dalton  
for Mr Peter Walker**

## 1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is located to the south of Dalton Lane opposite the buildings associated with Cod Beck Blenders, Cod Beck Estate. The site includes a range of buildings and storage facilities, a number of train carriages formerly on the land have been moved to a position off the site. The land has been used as a bus and coach depot.
- 1.2 The proposal is to construct a building measuring 117m by 18m (maximum) although a significant part of the building would be 11.5m wide. The building would be at maximum 8.38m high to the ridge and 6.096m to the eaves. Parts of the building would be 7.686m high. The application site measures 1.39 hectares.
- 1.3 The applicant's company has outgrown its existing site at Holly Farm, Kirby Sigston (approximately 13 miles from the application site). The applicant highlights that the company needs to set up a new production facility to install modern computer controlled machinery to remain competitive and be able to comply with ever increasing demands of CE marking and other legislation. The proposal would employ the equivalent of 11 full time workers.
- 1.4 The applicant clarifies that they have searched for suitable sites both inside and outside the District but have failed to find appropriate sites elsewhere, noting that those at Sowerby Gateway were not available or suitable at this time with the Gateway preferring lease not sale and the specific requirements of the building proposed also eliminating potential sites. Current sites on the market were also adjacent to the new housing developments which would raise concerns for potential viability of future operations due to noise.
- 1.5 The applicant highlights that Dalton Airfield is an ideal site for their needs with the principal reason being the supply chain, the presence of steel stockholders on Dalton Airfield, it has good access for goods vehicles, and most importantly for us it is a long narrow site well suited to the highly efficient production facility proposed and it is also further away from residential areas.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 77/1713/FUL - Use of land for the stationing of a residential caravan; Granted 26 May 1977.
- 2.2 91/0883/FUL - Extension to coach garage; Granted 8 January 1992.

## 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 CP11 - Distribution of new employment development  
 Core Strategy Policy CP12 - Priorities for employment development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy 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 DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP16 - Specific measures to assist the economy and employment  
 Development Policies DP17 - Retention of employment sites  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP36 - Waste  
 Development Policies DP42 - Hazardous and environmentally sensitive operations  
 Development Policies DP43 - Flooding and floodplains  
 Development Policies DP44 - Very noisy activities  
 National Planning Policy Framework - published 27 March 2012  
 National Planning Practice Guidance

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - No comment received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Yorkshire Water - A water supply can be provided under the terms of the Water Industry Act, 1991. For Waste Water This proposal is in an area very remote from the foul public sewerage network. The plan marked 'Drainage' quotes a distance of 640 metres to a 'mains sewer' marked brown. This is actually a pressurised foul rising main, and no connections would be allowed into this system. The public foul sewer is located further in Dalton, in excess of 700 metres away, which would involve crossing land and roads not in the applicant's ownership. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 4.4 Swale & Ure Drainage Board - No objection subject to a condition.
- 4.5 Scientific Officer (contaminated land) - No objection subject to conditions.
- 4.6 Environmental Health Officer - No objection. Based on the information provided if the recommendations of the noise report are implemented there will be no significant impact on amenity.
- 4.6 Public comment - Letters of objection have been received from two local residents raising the following points:
- Concern about the noise.
  - Impact from dust and paint fumes.

- Impact from the shot blaster.
- The coming, going and turning of Lorries directly to the east of the Proposed Fabrication Workshop, front of the Bungalow.

## 5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact of the proposal on the character of the area; (iii) the impact of the proposal on the amenities of nearby and neighbouring residents, particularly due to noise; (iv) servicing and access arrangements; and (v) flooding and drainage.

### The principle of development

- 5.2 Local Development Framework policy CP11 guides the distribution of new employment development and promotes most employment development in the Service Centres (and Leeming Bar and Dalton Airfield), although small scale development will be supported in Service Villages. In the Thirsk area, most development will be encouraged to locate in the Thirsk Service Centre, but if land cannot be identified in Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing businesses there.
- 5.3 The proposal is not for a business already located at Dalton Airfield but one wishing to relocate. It is therefore necessary to consider whether other suitable sites are available in Thirsk.
- 5.4 The National Planning Policy Framework guides that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- 5.5 In this case, taking account of the size of the proposed building, combined with the land being previously developed and relocating an existing business within the District should be noted. The applicants have approached Hambleton District Council about two proposed sites in the past, the first being Moor Lane Nursery, Moor Lane, Dalton and Crossbones Farm on Skipton Airfield and were told that neither were acceptable. The applicant also confirms that they were unsuccessful in buying a site which falls under the jurisdiction of Harrogate Borough Council. The applicant has considered Sowerby Gateway amongst other sites and has found these not to be suitable for their needs as the land was for lease not sale and at there were no sites available of the size and shape required to achieve the production line layout being brought forward until later in the development programme.
- 5.6 The applicant's concern about taking a site close to housing is understood. The fabrication process involves use of steel and this would risk noise complaints if dropped or handled without extreme caution if there was housing nearby. Furthermore, in this case the presence of the applicant's supply chain, i.e. the steel stockholders, on Dalton Airfield lends support to the proposal, not only from the perspective of the applicant's convenience but also in terms of the sustainability gains in minimising transport of steel between the two.
- 5.7 The application is therefore supported in principle, subject to consideration of detailed aspects of the proposals.

### Character of the area

- 5.8 The building would be long and thin but also would be considerably lower than the buildings opposite relating to Cod Beck Estate. It would present a modern, commercial building that would be in keeping with the local landscape and would not harm the character of the area.

### Residential amenity

- 5.9 The concerns of residents are carefully considered who are located approximately 45m to the north east of the proposals fronting Dalton Lane. It is noted that the proposal is designed to eliminate openings towards the nearby local residents. In this regard therefore the proposal would reduce the impact to local residents and there would be opportunity to further mitigate any impact through controls over the movements of steel outside the building, planting and landscaping as well as noise mitigation to the building (required by planning conditions). Whilst it is noted that one of the reasons for eliminating Sowerby Gateway was the relationship to neighbouring residential properties, it is noted that the scale of residential development on Sowerby Gateway is significantly higher than at Dalton. The proposals utilise an existing commercial site, and the proposals have been able to design out and mitigate the design of the proposals to reduce the likelihood of noise impacts to neighbours. This would not necessarily be possible on the early sites at Sowerby Gateway which are close to extensive housing sites. Therefore, it is possible through planning conditions and the design to differentiate and manage the noise climate to neighbouring residential properties accordingly.
- 5.10 In the context of the existing uses at Dalton Airfield, it is considered that the proposal would not have a significant adverse impact on amenity.

### Servicing and access arrangements

- 5.11 The applicant highlights that the company's existing employees are currently based between Northallerton and Thirsk and the new proposed site would make very little change to their travel to work pattern. They note that a large percentage of their customers are based to the south of their current location at Kirby Sigston and the relocation to Dalton Airfield would considerably reduce travelling time. The applicant also states that access from the A168 for HGVs with raw materials in and finished product out is very good and the proposed upgrading of Dalton Bridge to alleviate flooding problems affecting the Industrial estate can only benefit their proposal.
- 5.12 Considering the above and the comments of the Highway Authority, it is considered that the proposal would not materially impact on highway safety.

### Flooding and drainage

- 5.13 The entire site, including the access, falls within flood zone 1, which is at the lowest risk of flooding with the site being previously developed and containing existing areas of buildings and hard surfacing. The new fabrication workshop would be constructed slightly above existing ground levels; this would reduce the already small risk of flooding and means that water can drain away from the building. The proposed industrial use is not of high vulnerability to flooding. Runoff from the roof is shown to be drained away by means of downpipes to a below ground surface water sewer and is proposed to be discharged via a soakaway of adequate capacity. The scheme proposes the use of a package treatment plant for treatment of foul sewage and ultimate discharge to soakaways. The report notes that percolation tests are yet to be carried out. As such it is considered that the proposals could provide appropriate drainage to the site in accordance with planning policy guidance and criteria.

## 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 development hereby permitted shall be carried out in accordance with the approved plans and drawings reference G(1), G(2), G(3), G(4), and G(5) received by Hambleton District Council on 16 December 2016.
3. Prior to the commencement of development a schedule of materials to be used in the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. 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 cycle parking; b. vehicular turning arrangements; c. manoeuvring arrangements ; and d. loading and unloading arrangements. 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.
5. Prior to the commencement of development, drainage plans, including details of the proposed swales, balancing ponds and geocellular/modular systems, including the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. Any surface water discharge to a watercourse should be restricted to 1.4 l/s/ha with a 5 l/s de-minimis value. The development shall be carried out in accordance with the approved details. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal
7. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

8. No development shall be commenced until an assessment of risks posed by unexploded ordnance has been carried out by an unexploded ordnance (UXO) risk assessment specialist and has been submitted to and approved in writing by the local planning authority. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate has been submitted to and approved in writing by the local planning authority.
9. Notwithstanding the landscape information submitted in support of this planning application no development or site clearance shall commence until full details of landscaping is submitted to the Local Planning Authority and approved in writing. Information is required for the entire application site and shall provide full details of: proportions (%) of plant species within each proposed plant mix; how the plants will be introduced, for example as: seeds, plugs, whips, standards, through natural colonisation and how the land will be prepared; specification of trees and shrubs; plant numbers, weights of seed, density of sowing/ planting; locations of all planting; details of hard landscaping/ lighting and drainage; and details of access and circulation. The development shall be carried out in accordance with the approved landscaping scheme.
10. Prior to the commencement of development details of noise attenuation and acoustic cladding including the acoustic specification with reference to background noise levels at the nearest noise sensitive receptors shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
12. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
13. No additional opening windows or doors (with exception of emergency escape doors) shall be installed in the façade of the building facing the properties on Dalton Lane (northern elevation)
14. Emergency escape doors shall be kept closed except for emergency use.
15. No speakers or public address facilities shall be installed externally.
16. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.



17. There shall be no outdoor moving of steel outside the hours of 08.00 to 18.00 weekdays and Saturdays and the shot blaster shall be operated only between the hours of 08.00 to 18.00 weekdays and Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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 ensure satisfactory development of the site and ensure that the development is in keeping with the character of the area.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
5. To ensure satisfactory development of the site and to ensure that satisfactory drainage of the site is maintained.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. The proposed development is on the site of a former World War Two airfield and therefore there is the potential for unexploded ordnance to exist on site. In order to protect the site workers during the development phase and site occupants post development.
9. To ensure satisfactory development of the application site and to enhance the appearance of the area.
10. To safeguard the amenities of nearby residents.
11. In the interests of human health and the environment.
12. To safeguard the amenities of nearby residents and to prevent unnecessary light pollution
13. To safeguard the amenities of nearby residents
14. To safeguard the amenities of nearby residents
15. To safeguard the amenities of nearby residents
16. To safeguard the amenities of nearby residents
17. To safeguard the amenities of nearby residents and in accordance with the recommendations of the submitted noise assessment.

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