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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 18 May 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 26 May 2016**
Time **1.30 pm**
Venue **Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:

Councillors	Councillors
D A Webster (Chairman)	J Noone
P Bardon (Vice-Chairman)	C Patmore
D M Blades	B Phillips
S P Dickins	C Rooke
Mrs B S Fortune	Mrs I Sanderson
K G Hardisty	Mrs J Watson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING APPEALS UPDATES; NNDA POST-COMMITTEE PROCESSES AND BUILDING REGULATIONS APPROVED DOCUMENTS (NYBCP)

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meetings held on 28 April and 17 May 2016 (P.27 - P.28 and P.1 – P.2), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 28th April, 2016 at Yorkshire Suite, Golden Lion Hotel, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	M A Barningham	Councillor	B Phillips
	C Patmore		M S Robson

Apologies for absence were received from Councillors S P Dickins and J Noone

P.27 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 31 March 2016 (P.25 - P.26), previously circulated, be signed as a correct record.

P.28 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) 16/00463/FUL - Glazed rear extension to kitchen and family room at Heselton, 5 Wycar Terrace, Bedale for Mr Stephen Prince

DEFER for site visit.

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

- (2) (a) 15/01524/FUL and (b) 15/01525/LBC - Applications for retrospective planning permission and listed building consent for partial removal of garden wall, widening of permeable hard standing access track and replacement timber fence at Hill Top Cottage, Crakehall for Mr J Kent

(a) 15/01524/FUL - PERMISSION GRANTED

(b) 15/01525/LBC - PERMISSION GRANTED

(The applicant, James Kent, spoke in support of the application.)

(Tim Coulter spoke objecting to the application.)

- (3) 15/00015/TPO1 - Report following objection to the making of TPO 15/00015/TPO at Crayke Castle, Crayke

THAT TREE PRESERVATION ORDER 2015/15 BE CONFIRMED

(Steve Hill spoke objecting to the application.)

- (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

PERMISSION REFUSED

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

- (5) 15/02581/OUT - Outline planning permission with some matters reserved (considering access) for the construction of a single dwelling at Land adjacent Fencote House, Little Fencote for Mr N McElroy

PERMISSION GRANTED

- (6) 16/00534/FUL - Construction of a domestic open fronted double garage at The Rosary, Kirklington for Mr Carl Les

PERMISSION GRANTED subject to an additional condition withdrawing permitted development rights to carry out alterations to the roof including the insertion of roof lights

- (7) 16/00222/FUL - Construction of a detached bungalow at Ash Brae, Langthorne for Mr & Mrs C McGee

PERMISSION GRANTED

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

- (8) 16/00387/OUT - 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

PERMISSION GRANTED subject to the completion of a planning obligation in respect of the delivery of affordable housing

(The applicant, Lucy Kirby, spoke in support of the application.)

- (9) 16/00211/OUT - Outline application with some matters reserved (including access and layout) for the construction of an agricultural worker's dwelling at Riverside Farm, Newby Wiske for Mr & Mrs C Cook

PERMISSION GRANTED

- (10) 15/02512/FUL - Construction of Use Class A3/A4 public house with parking, associated works and removal of trees at Land adjacent Barkers, Finkills Way, Northallerton for Marstons Pubs and Taverns Limited

PERMISSION GRANTED subject to the addition of a condition connecting the occupation of the flat to the operation of the Public House

(The applicant's agent, Paul Harris, spoke in support of the application).

- (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

PERMISSION GRANTED subject to an additional condition to require a landscaping scheme to be supplied for approval and implemented

(The applicant, Mr Parker-Nicholls, spoke in support of the application.)

- (12) 15/02803/FUL - Proposed construction of 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 J.M.W. (Property) Ltd

PERMISSION GRANTED subject to an additional condition relating to the control of activities to be undertaken outside of the approved building, and conditions 16 and 17 are varied to allow work to be undertaken only between 07:00 and 18:00 Monday to Saturday

(The applicant, John Walker, spoke in support of the application.)

The meeting closed at 4.00 pm

Chairman of the Committee

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Present

Councillor J Noone (in the Chair)

Councillor	P Bardon	Councillor	B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		Mrs J Watson
	C Patmore		D A Webster

Also in Attendance

Honorary	J E Fletcher	Honorary	M J Prest
Alderman	Mrs J Imeson, OBE	Alderman	J N Smith
	Mrs S M Latter		

An apology for absence was received from Councillor D M Blades

P.1 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor D A Webster be elected as Chairman of the Committee for the ensuing year.

(Councillor D A Webster in the Chair)

P.2 **APPOINTMENT OF VICE-CHAIRMAN**

THE DECISION:

That Councillor P Bardon be appointed Vice-Chairman of the Committee for the ensuing year.

The meeting closed at 2.36 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Golden Lion Hotel, High Street, Northallerton on Thursday 26 May 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 26th May 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/00224/OUT Mrs H Laws Aiskew Page no. 13	Application for outline planning permission with all matters reserved for the construction of 13 houses For: Mr David Eyles At: Land south of Northallerton Road, Leeming Bar RECOMMENDATION: GRANT
2	16/00266/OUT Mrs H Laws Aiskew Page no. 25	Outline Application for the construction of 17 houses with all matters reserved. For: Mr David Eyles At: Land south of Northallerton Road, Leeming Bar RECOMMENDATION: REFUSE
3	16/00858/FUL Mr A Thompson Alne Page no. 31	Revised application for the construction of a dwelling For: Mr & Mrs Steve Glendenning At: Birdforth House, Main Street, Alne RECOMMENDATION: GRANT
4	16/00463/FUL Mrs H Laws Bedale Page no. 37	Glazed rear extension to kitchen and family room For: Mr Stephen Prince At: Heselton, 5 Wycar Terrace, Bedale RECOMMENDATION: GRANT
5	16/00318/FUL Mrs H Laws Burrill with Cowling Page no. 41	Retrospective change of use of agricultural land and buildings to equestrian use in connection with a riding school, livery and training and construction of an equestrian arena. For: Emma Chapman Training At: Cowling Hill Farm, Cowling Lane, Burrill RECOMMENDATION: GRANT
6	15/01668/FUL Mrs H Laws Crakehall Page no. 49	Alterations to store and garage to provide extra garage facility and conversion of barn to a dwellinghouse For: Mrs R Walker At: Village Farm, The Green, Crakehall RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	14/01472/FUL Mr T Wood Dalton Page no. 55 SV done previously	Construction of 2 dwellings For: Mr Steve Bradbury At: Greenbank Farm, Dalton RECOMMENDATION: GRANT
8	16/00561/OUT Mrs B Robinson Danby Wiske Page no. 63	Outline application for a dwelling with access For: Mr T Hugill At: Woodbine Row Danby Wiske RECOMMENDATION: REFUSE
9	15/02666/FUL Mr A Thompson Easingwold Page no. 69	Construction of an agricultural storage building For: Mrs Jane Grant At: Longbridge House Farm, Stillington Road, Easingwold RECOMMENDATION: GRANT
10	16/00685/FUL Mr A Thompson Easingwold Page no. 77	Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building For: Grants Pro AGK LTD At: Longbridge House Farm, Stillington Road, Easingwold RECOMMENDATION: GRANT
11	16/00458/FUL Mrs B Robinson Great and Little Broughton Page no. 85	Single story extension to kitchen, garage & outbuilding and conversion of part of garage to office For: Mr Dominic Holloran At: The Nook, 80 High Street Great Broughton RECOMMENDATION: GRANT
12	16/00219/OUT Mrs H Laws Hackforth Page no. 89	Outline application with some matters reserved (includes access and layout) for the construction of a detached two storey dwelling For: Mr F Iveson At: Land adjacent to Village Hall, Hackforth RECOMMENDATION: GRANT
13	16/00556/FUL Mrs B Robinson Low Worsall Page no. 97	Extensions and alterations to garage buildings to form a dwelling. For Mr Paul Neasham At Ship Service Station, Low Worsall RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
14	16/00423/FUL Mrs T Price Northallerton Page no. 101	Alterations and extension to dwelling to create addition bedrooms and dining room For: Mr & Mrs P Schofield At: 1 Sladeburn Drive, Northallerton RECOMMENDATION: GRANT
15	15/02817/FUL Mrs T Price Northallerton Page no. 105	Change of use of commercial building to a dwelling For: Mr G Farooq At: 88B High Street, Northallerton RECOMMENDATION: REFUSE
16	16/00470/FUL Mr A Thompson Tollerton Page no. 111	Proposed extension to create a granny annex and construction of a new house For: Mrs M Hardy At: The Croft, South Back Lane, Tollerton RECOMMENDATION: REFUSE
17	16/00033/FUL Mrs B Robinson West Rounton Page no. 117	Construction of a dwelling For: Mr Gary Cunningham At: Land adjacent to Dabs Bank, West Rounton RECOMMENDATION: GRANT
18	16/00444/OUT Mrs B Robinson Whorlton Page no. 123	Outline application for planning permission with some matters reserved (access) to construct a single dwellinghouse For: Mr John Swales At: The Paddocks, Swainby RECOMMENDATION: REFUSE

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Parish: Aiskew

Ward: Bedale

1

Committee Date: 26 May 2016

Officer dealing: Mrs H M Laws

Target Date: 28 April 2016

16/00224/OUT

Application for outline planning permission with all matters reserved for the construction of 13 houses at land south of Northallerton Road, Leeming Bar for Mr David Eyles

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This outline planning application seeks permission for the change of use of agricultural land at the eastern end of Leeming Bar on the southern side of the A684 for residential use. All matters are reserved for a later stage of approval (i.e. access, appearance, layout, scale and landscaping). It is proposed to construct 13 houses on the site.
- 1.2 A second application has been submitted (also on this agenda) for housing development on the adjoining land to the south of this site (ref 2016/00266/OUT).
- 1.3 The location plan shows the extent of the site boundary covering an area of 0.7 hectares. A layout plan has been submitted for illustrative purposes showing the siting of the dwellings and the position of the access. The application has been submitted with a Design and Access Statement; a Drainage Strategy; a Phase 1 Habitat Survey and Phase 1 Desk Top Study Report.
- 1.4 The illustrative scheme proposes to create the access opposite numbers 35 and 37 Northallerton Road. The proposed access road would form an L-shape along the rear of the proposed dwellings fronting onto Northallerton Road with the possibility of connecting to the recently completed residential development on Foundry Way. A hammerhead is proposed at the south eastern end of the proposed access road leading to the field to the south of the application site. An outline planning application has been submitted for residential development on this adjoining site and is discussed within the following Committee item on this agenda.
- 1.5 The current land use is agricultural grazing land with no buildings or structures. The land is level with a hedgerow along the roadside. A total of 3 mature trees (an ash and two sycamores) lie within the front boundary hedge. Access to the site is currently from a field gate onto the A684 towards the north eastern corner of the site. To the south and east of the site there is open farmland. Existing detached single storey dwellings lie on the northern side of the A684 opposite the site. Recent development has taken place to the west on Foundry Way.
- 1.6 The illustrative scheme proposes a mix of detached and semi-detached units incorporating garaging and either two or three (accommodation in the roofspace) storeys in height. A total of 6 dwellings are proposed as affordable housing (46%). It should be noted that the applicant is proposing 40% affordable housing across the two sites. A landscaped buffer is proposed along the frontage of site, which would include the retention of the existing trees.
- 1.7 As identified in Section 2.0 below, the site is allocated for housing development within the Local Development Framework for around 15 dwellings.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The site is allocated for housing development within the Council's Local Development Framework and the requirements are as follows:

BH9 South of Northallerton Road, Leeming Bar

This site is allocated for housing development in Phase 3 (2021-2026) subject to:

- i. development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 15 dwellings (of which a target of 40% should be affordable);
 - ii. types and tenure of housing developed meeting the latest evidence of local needs;
 - iii. provision of appropriate sound insulation measures on new dwellings to mitigate the noise impact from RAF Leeming;
 - iv. capacity of the local sewerage and sewage disposal network being increased to accommodate the new development;
 - v. Contributions from the developer towards providing public open space, improvements to the footpath and cycleway network, particularly along the Wensleydale Railway route and, if required, drainage and sewerage infrastructure; and
 - vi. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 2.2 The site is larger (0.7ha) than the allocated site (0.5ha). This is discussed in detail in paragraphs 5.2 and 5.3 below.
- 2.3 The Agenda Item following this application relates to an application for outline planning permission for 17 dwellings on the adjacent site to the south.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Aiskew and Leeming Bar Parish Council - comment as follows:

- The council would like to see the access moved away from opposite residential homes.
- The council would like confirmation that this is in the current LDF and within the village boundary.
- Questions were raised on why building is being proposed on agricultural land.

4.2 Highway Authority - conditions are recommended.

4.3 Yorkshire Water Services - conditions are recommended regarding a sewer diversion and surface water drainage. The Drainage Strategy is satisfactory. In summary, the report confirms: i. Sub-soil conditions do not support the use of soakaways; ii Therefore, surface water is proposed to discharge to a public surface water sewer, via storage, with a restricted discharge (of 2.5 litres/second).

4.4 Environmental Health Officer - as part of the site lies within the RAF Leeming noise restriction area and the remaining part within the noise insulation area. Development shall not begin until a scheme for protecting the proposed dwellings from noise from RAF Leeming has been submitted and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.

4.5 Senior Scientific Officer (land contamination) - The Phase 1 Desk Top Study Report (ARC Environmental, project 15-893) submitted in support of the above application is satisfactory although the report makes recommendations for a Phase 2 Ground Investigation in order to explore further potential pollutant linkages. The intrusive works recommended include:

- Drilling of boreholes and excavation of trial pits;
- Installation of ground gas and ground water monitoring wells;
- Contamination screening of made ground for contamination.

I would support this recommendation for further works and look forward to early discussion with the developer on the detailed proposals for this investigation. I would also recommend that top soils on site, if they are to be re-used as part of the development in gardens and public open spaces, will require testing to ensure they are suitable for use. The number and location of soil samples and the parameters to be tested should be agreed in advance with the Local Planning Authority. In order to secure these additional works I would recommend a condition.

4.6 Site notice/local residents - two objections have been received from residents of Northallerton Road, as follows:

- The proposed access and egress both during and after completion of development would have extreme adverse disruption from traffic entering and leaving the site especially during dark hours as vehicle headlights would pierce directly into Nos 35 and 37 Northallerton Road where living rooms and bedrooms face directly onto Northallerton Road.

- As planning restrictions restrict road facing fencing to one metre in height this as an option to deflect light nuisance is impracticable. The planned entrance and exit road is directly opposite the driveways of 35 and 37.
- I would also expect that planners would ensure that the mature trees on Northallerton Road had preservation orders placed on them to stop any plans to remove them.
- I would like to object to more buildings on green field sites
- Entrance and Exit to site is opposite our home, and as we are lower than the road all the traffic entering and leaving the site will shine lights in our windows.
- Planning states fences no more than one metre high, so this is not an option.
- If the entrance/exit were to move 20 metres east it would solve problems.

5.0 OBSERVATIONS

- 5.1 The principle of development has been established with the allocation of 0.5ha of this site for residential development. The remaining planning issues relate to (i) the principle of allowing a further 0.2ha of land to be developed; (ii) affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the impact on neighbour amenity; (v) highway matters; and (vi) the impact on protected species.

The Principle of Development

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. As noted in paragraph 2.1 above, 0.5ha of the application site is allocated for new housing under Policy BH9, which states that the site is allocated for housing for release in Phase 2 (2021-2026). In December 2013, following an audit of allocated sites and sites with planning permission, the Council approved the relaxation of the housing phasing policy in the Plan. This was to ensure that a robust and deliverable supply of housing sites is available to cover the 5 year period from October 2013 to September 2018. The bringing forward of this application is therefore supported. The additional 0.2ha of land lies to the rear (south) of the allocation site and provides additional space for the provision of the dwellings, (which the illustrative details show would be set back more than 10m from the front of the site, have space for parking at the rear and would be served by an access road that runs parallel to the rear of the dwellings).

- 5.3 On the basis that the site has gone through an extensive site allocations process, that the community has had the chance to comment on that site allocation process, that the Development Limits boundary includes the majority of the application site, the additional land would result in a less cramped form of development with landscape buffer to the road frontage, and that the proposal accords with the requirements of the allocation - i.e. that it is around 15 dwellings with 40% affordable housing provision - it is considered that the development has in principle support.

Affordable Housing Provision

- 5.4 Policy BH9 states that the site is allocated for housing subject to 'development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 15 dwellings'. The Policy also states a target of 40% provision of affordable housing. The applicant is proposing a lower density (18.5 dwellings per hectare) than is required by the Policy, as a result of proposing only 13 dwellings on a larger site area.
- 5.5 The policy target for affordable housing in this location is 40% and the proposed development would include 6 affordable housing units, which is 46% of the total and

therefore acceptable. Illustrative details only have been submitted of the proposed units, which appear to be two-storey, semi-detached properties. Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings, including appropriate provision for the needs of elderly people. As with most outline planning applications it is expected that the proposal will be refined at the reserved matters stage and details submitted to address these policies.

- 5.6 In order to secure the suggested 40% affordable housing provision adequate provisions need to be put in place either via a Section 106 Agreement or planning conditions and to ensure that the affordable housing will meet local housing need. In this instance an appropriate condition is recommended.

Impact on the character and appearance of the area

- 5.7 The suitability of the site for residential development has been assessed during consideration of the Allocations DPD.
- 5.8 The proposed linear form of the greater part of the development reflects the form of the properties to the north. The additional area (0.7 ha rather than the allocated 0.5ha) allows the dwellings to be accessed from the rear rather than individually from Northallerton Road. In order to achieve a more satisfactory layout it is considered that the larger site area is acceptable.
- 5.9 Policy DP8 states that the location of the Development Limits will ensure that development within it shall "c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF. In any event, once the reserved matters are submitted the Council will endeavour to require the proposal to make a positive contribution to the settlement in line with Policies CP17 and DP32 and will negotiate designs that are of a high standard and appropriate in this location.

Impact on Neighbour Amenity

- 5.10 The application is in outline with all matters reserved so although an indicative layout has been provided, this is not for approval at this stage. One of the issues of concern is the suggested positioning of the proposed access road opposite the existing homes on Northallerton Road and the potential impact this could have on residential amenity as a result of vehicle headlights shining into those properties. Both of these dwellings are single storey bungalows, which are therefore likely to have habitable rooms on the front elevation.
- 5.11 The dwellings are set back approximately 20m from the boundary of the application site with boundary hedges at the front of the site. There is no planning restriction or regulation preventing these hedges from being taller in height but, in any event, it is not considered that the occasional effect of headlights during periods of darkness would significantly impact on the amenity of those occupants. The headlights of cars within a built up area with street lighting is an occurrence that is likely to occur in many properties. It is not considered that this would be contrary to LDF Policy DP1.
- 5.12 It is recommended that a condition be imposed requiring the submission of a management plan prior to building work commencing to control the hours of operation and vehicle movements during the period of construction at the site in order to limit its impact on residential amenity.

Highway Matters

- 5.13 All matters are reserved but the illustrative layout shows the position of the access. The Highway Authority has given consideration to its position along the main road, bearing in mind the opening of the Bedale bypass later this year should have an effect on vehicle numbers along this stretch of the A684. The proposed development includes provision for off-site parking and garaging, the details of which would be provided at reserved matters stage. The Highway Authority raises no objection subject to conditions.

Impact on Protected Species

- 5.14 Policy DP31 of the Development Policies DPD states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value".
- 5.15 The habitat survey submitted with the application concludes that the site currently has a low conservation value with no notable habitats for breeding birds, barn owls or bats or potential bat roost habitat and limited potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.
- 5.16 Mitigation to account for the loss of a part of the hedgerow and to enhance the site biodiversity is recommended and a suitably worded condition could be imposed to secure the implementation of these mitigation measures.

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 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 plots, (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. All 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. The package of mitigation measures as detailed within the Phase 1 Habitat Survey produced by Peach Architectural Design Ltd received by Hambleton District Council on 28 January 2016, shall be carried out in full.
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. 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 development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
9. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 8 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
10. No development shall take place until a scheme for protecting the proposed dwellings from noise from RAF Leeming has been submitted and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.
11. No development shall take place 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. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include:
 - (a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision

shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council; (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 5 open market dwellings on the site; (c) the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

13. Unless otherwise approved in writing by the Local Planning Authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewer that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority.
14. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing: the proposed highway layout including the highway boundary; dimensions of any carriageway, cycleway, footway, and verges; visibility splays; the proposed buildings and site layout, including levels; accesses and driveways; drainage and sewerage system; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: the existing ground level; the proposed road channel and centre line levels; full details of surface water drainage proposals; (c) Full highway construction details including: typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; kerb and edging construction details ; typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.
16. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the

existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

17. 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.
18. 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; (d) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number A1; (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; (f) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; 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.
19. 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 Northallerton Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (a) Provision of tactile paving; (b) Provision of 2m footway adjacent the front of the development; and (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
21. 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 following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 20: (a) Provision of tactile paving; and (b) Provision of 2m footway adjacent the front of the development.
22. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

23. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garages shall be kept available at all times for the parking of domestic vehicles ancillary to the occupation of the associated dwelling.
24. 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.
25. 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.
26. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 per cent of the buildings' energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
27. Prior to commencement of work a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.
28. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 28 January 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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. To enhance the biodiversity of the site in accordance with PDF Policies CP16 and DP31.
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 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.
9. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
10. To protect the amenity of occupiers of the new dwellings in accordance with LDF Policies CP1 and DP1.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
12. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
13. In the interest of satisfactory and sustainable drainage and to maintain the public water supply in accordance with LDF Policies CP21 and DP43.
14. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP2 and DP4.
15. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with LDF Policies CP2 and DP4.
16. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with LDF Policies CP2 and DP4.
17. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
18. 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.
19. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
20. In accordance with LDF Policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

21. In accordance with LDF Policies CP2 and DP4 and in the interests of the safety and convenience of highway users.
22. In accordance with LDF Policies CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
23. 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 in accordance with LDF Policies CP2 and DP4.
24. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
25. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
26. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with Policy DP34 of the Hambleton Local Development Framework.
27. To protect the amenity of adjacent residents and to accord with Policies CP1 and DP1 of the Hambleton Local Development Framework.
28. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies.

Parish: Aiskew

Ward: Bedale

2

Committee Date: 26 May 2016

Officer dealing: Mrs H M Laws

Target Date: 7 June 2016

16/00266/OUT

**Outline Application for the construction of 17 houses with all matters reserved.
at land south of Northallerton Road, Leeming Bar
for Mr David Eyles**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This outline planning application seeks permission for the change of use of agricultural land at the eastern end of Leeming Bar on the southern side of the A684. All matters are reserved for a later stage of approval (i.e. access, appearance, layout, scale and landscaping). It is proposed to construct 17 houses on the site.
- 1.2 The site covers an area of 0.9 hectares and lies immediately to the south of the application site that is the subject of the previous item on this agenda (16/00224/OUT).
- 1.3 A layout plan has been submitted for illustrative purposes showing the siting of the dwellings and the position of the access leading directly from the hammerhead proposed for the adjacent development, with a second road leading from the proposed access road, both subsequently leading onto the A684 opposite numbers 35 and 37 Northallerton Road. The application has been submitted with a Design and Access Statement; a Drainage Strategy; a Phase 1 Habitat Survey and a Phase 1 Desk Top Study Report.
- 1.4 The current land use is agricultural grazing land with no buildings or structures. A hedgerow lies along the rear, southern boundary of the site. A mature ash tree lies within this hedgerow. To the north, south and east of the site there is open farmland. Recent development has taken place to the west on Foundry Way.
- 1.5 The illustrative scheme proposes a mix of detached and semi-detached units incorporating garaging and either two or three (accommodation in the roof space) storeys in height. A total of six dwellings are proposed as affordable housing (35%).

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None on the site. Application 16/00224/OUT, for development of land immediately to the north with 13 dwellings, is reported elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Aiskew and Leeming Bar Parish Council - object to his application as the existing sewage works is not adequate. The Councillors would like to know if the existing sewers will be used.
- 4.2 Highway Authority - conditions are recommended
- 4.3 Yorkshire Water Services - conditions are recommended regarding a sewer diversion and drainage. No objections in principle to the proposed drainage scheme.
- 4.4 Swale & Upper Ouse Internal Drainage Board - The drainage strategy is acceptable. I should be obliged if you would attach a condition to any approval that the drainage be constructed in complete accordance with the submitted strategy.
- 4.5 Environmental Health Officer - as part of the site lies within the RAF Leeming noise restriction area and the remaining part within the noise insulation area development shall not begin until a scheme for protecting the proposed dwellings from noise from RAF Leeming has been submitted and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.
- 4.6 Senior Scientific Officer (contaminated land) - The Phase 1 Desk Top Study Report (ARC Environmental, project 15-893) submitted in support of the above application is satisfactory although the report makes recommendations for a Phase 2 Ground Investigation in order to explore further potential pollutant linkages. The intrusive works recommended include:
- Drilling of boreholes and excavation of trial pits;
 - Installation of ground gas and ground water monitoring wells;
 - Contamination screening of made ground for contamination.

I would support this recommendation for further works and look forward to early discussion with the developer on the detailed proposals for this investigation. I would also recommend that top soils on site, if they are to be re-used as part of the development in gardens and public open spaces, will require testing to ensure they are suitable for use. The number and location of soil samples and the parameters to

be tested should be agreed in advance with the Local Planning Authority. In order to secure these additional works I would recommend a condition.

4.7 Site notice/local residents - three objections have been received from residents of Northallerton Road, as follows:

- Extra pressure on existing drains i.e. surface water main drainage and sewage also another entrance from Northallerton Road
- As a previous victim of flooding at my house am worried of these extra houses will do to the existing drains and sewage. Could this lead to more flooding in the future.
- My concern is with the Foul Sewers (FS). Currently the FS runs down Northallerton Road and turns south at the east end of the proposed development and runs across the fields to the sewerage works. This drain is very old and historically takes a certain quantity of surface water in addition to the foul water. We know the FS is at, if not beyond, capacity as in periods of heavy rain it backs up and the properties on Northallerton Road are flooded. YW are aware of this and the sewer is I understand on their five year Capitol Upgrade programme. They have mapped the surface water connections that are made into this FS. When the new sewer from these houses and indeed the ones currently under construction are connected to this FS in the South East Corner of the proposed development it will exacerbate the problem.
- With the lack of proposed traffic calming on Northallerton Road, the new development introduces new roads joining the main road nearer the derestricted section of Northallerton Road, what if any steps are being taken to slow the traffic.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development and housing supply; (ii) affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the impact on neighbour amenity; (v) highway matters; and (vi) the impact on protected species.

The Principle of Development and Housing Supply

5.2 The site lies outside the Development Limits of Leeming Bar, which is defined in Policy CP4 of the Core Strategy as a Service Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF.

5.3 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.

5.4 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 ($274 \times 5 = 1,370$). The numbers of dwellings completed in 2014/15 and 2015/16 have exceeded the OAN

figure of 274 and therefore there has been no under-supply since the April 2014 base date so there is no backlog within the District to be added to this requirement.

- 5.6 In order to ensure choice and competition in the market, NPPF paragraph 47 requires a further 5% buffer to the 5 years' OAN figure. 5% of 1,370 is 68, so taking these elements together the 5 year housing land requirement for the District is 1,438.
- 5.7 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.
- 5.8 This latest monitoring data shows a deliverable supply of 2,781 dwellings over the next five years. This exceeds the revised five year housing land requirement by 1,341 dwellings, and allows the Council to demonstrate a deliverable supply for the next 9.7 years.
- 5.9 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.10 Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.11 The site includes Grade 2/3 agricultural land which is considered to fall within the "best and most versatile" (BMV) category. LDF Core Policy CP16 and NPPF paragraph 112 set a presumption against the loss of such land to development and where losses of BMV are necessary, this should be following a thorough assessment of the options through the local plan process. The loss of this grade of agricultural land is therefore a factor against the proposal.
- 5.12 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

Affordable Housing Provision

- 5.13 LDF Policy CP9 requires development of two or more properties outside Service Centres to provide affordable housing on site at a proportion of 40%. It is proposed to provide a total of six units, which would result in 35% affordable, less than that required by LDF Policy CP9. Taken as an average, however, with the adjacent site (proposed 46%) the figure would be 40% and therefore is considered to be acceptable.
- 5.14 Illustrative details only have been submitted of the proposed units, which appear to be two storey semi-detached properties. Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings, including appropriate provision for the needs of elderly people. As with most outline planning applications it is expected that the proposal

will be refined at the reserved matters stage and details submitted to address these policies.

- 5.15 In order to secure the suggested 40% affordable housing provision adequate provisions need to be put in place via a Section 106 Agreement and to ensure that the affordable housing will meet local housing need.

Impact on the character and appearance of the area

- 5.16 The application site is currently an undeveloped field and therefore the development of 17 dwellings would fundamentally alter the open and rural landscape on the edge of the village. The application site is bounded on the west by residential development. If the application site to the north is granted permission and developed it is considered that the proposed scheme would relate well to the setting of the existing residential areas of the village. It would not be possible to develop the site on its own as there is no proposed access to the A684 other than via the adjacent application site and, in any event, if developed on its own, the site would appear incongruous without the immediate boundary of the A684.

Impact on Neighbour Amenity

- 5.17 The application is outline with all matters reserved so although an indicative layout has been provided, this is not for approval at this stage. The application site lies far enough from existing dwellings to ensure that there would be no overlooking or immediate impact on existing residential amenity. Design details, such as plot shape and individual house siting, as well as window positions, are reserved matters. Visual bulk, overlooking and loss of privacy are therefore for consideration at a later stage but it is likely that a suitable design could prevent such occurrences from affecting the amenity of neighbouring residents.

Drainage

- 5.18 Many local concerns, including those of the Parish Council, are with regard to the foul sewer and the flooding that this occasionally causes on Northallerton Road. The site would be developed with separate systems for foul and surface water drainage and the rate of surface water disposal would be restricted. Yorkshire Water is satisfied that the work proposed by the developer within the submitted drainage report would result in satisfactory and sustainable drainage.

Highway Matters

- 5.19 All matters are reserved but the illustrative layout shows the position of the access. The Highway Authority has given consideration to its position along the main road, bearing in mind that the opening of the Bedale bypass later this year should have an effect on vehicle numbers along this stretch of the A684. The proposed development includes provision for off-site parking and garaging, the details of which would be provided at reserved matters stage. The Highway Authority raises no objection subject to conditions.

Impact on Protected Species

- 5.20 Policy DP31 of the Development Policies DPD states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value".

- 5.21 The habitat survey submitted with the application concludes that the site currently has a low conservation value with no notable habitats for breeding birds, barn owls or bats or potential bat roost habitat and limited potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.
- 5.22 Recommendations to enhance the site biodiversity are made and a suitably worded condition could be imposed to secure the implementation of these measures.

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 Leeming Bar. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP16, DP8, DP9 and DP30 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
 2. The proposal comprises a greenfield development including a proportion of Best and Most Versatile Agricultural Land. The proposal would therefore be a form of unsustainable development causing environmental harm. Taking account of the housing land position, there is no justification for the proposal in terms of the economic or social roles of sustainability and the proposal would therefore be contrary to Hambleton Local Development Framework policies CP4, CP7, CP16, DP10, DP11, DP12 and DP30 and the Written Ministerial Statement on Landscape dated 27 March 2015.

16/00858/FUL

**Revised application for the construction of a dwelling
at Birdforth House, Main Street, Alne
for Mr & Mrs Steve Glendenning**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application proposes an amended scheme to that approved by Committee on 17 September 2015 for a new two storey dwelling. The proposed dwelling would be positioned to the west of Birdforth House and to the east of Fairhaven. The site is within the Alne Conservation Area.
- 1.2 The proposed dwelling, as amended, would measure approximately 11.9m x 9.3m. It would accommodate a lounge, sitting room, hall, kitchen/dining area/utility area and sun room at ground floor level, an en-suite master bedroom, two further bedrooms and a bathroom at first floor level.
- 1.3 Materials for the proposed dwelling would comprise brickwork and clay pantiles. Vehicular access to the property would be via the existing rear access to the site from Back Lane.
- 1.4 Minor alterations are proposed to the existing outbuilding to be used as a garage and a turning area would be formed next to this. This is as previously approved.
- 1.5 The site is in Flood Zone 1, within the Alne Conservation Area and within Development Limits.
- 1.6 The proposed dwelling would be positioned approximately 2.1m (at the nearest point) from the boundary with Fairhaven. The corresponding distance approved in September 2015 was 3.6m. This boundary is formed of a low post and rail fence and shrubs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01983/FUL - Construction of detached 4 bedroom dwelling house; Withdrawn 21 January 2015.
- 2.2 15/00513/FUL - Construction of a dwelling; Granted 22 September 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Response awaited.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water - Response awaited.
- 4.4 Neighbours were notified by letters dated 22 April 2016 and a site notice posted 28 April 2016. No comments have been received to date.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour amenity; and (iv) the impact on highway safety.

Principle of development

- 5.2 The site is within the settlement limits of Alne, which is a Secondary Village, and therefore a sustainable settlement, so the development is acceptable in principle. The inclusion of the site within the Conservation Area does not alter this, but requires careful consideration of the likely effect of the development on the character and appearance of the Area. Development should only normally be permitted within a Conservation Area if it at least preserves the character and appearance of the Area. The decision to grant planning permission for a dwelling on the site (15/00513/FUL) is a material consideration to both the principle of the development and also in respect of the details that are considered below.

The Character and Appearance of the Conservation Area

- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Whilst the development in the wider village and Conservation Area have been considered the proposals are part of a distinct area of the village and Conservation Area and the proposals should be considered on the merits of the scheme whilst having regard to the material planning circumstances of this site, including the planning history.
- 5.4 Having regard to the evolution of the scheme and the approved house design, the scheme echoes many of the principles previously approved. The proposal would reduce the gap to Fairhaven from 3.6m as approved to 2.1m and amend the design. The character of the Conservation Area includes gaps between properties but a number of these gaps are narrower than that proposed. The proposed reduction in the gap would therefore be in keeping with and preserve the character of the Conservation Area. The resultant changes to the elevations as a result of the wider

property would also improve the symmetry of the proposed house which is a distinctive feature of the area and in particular Fairhaven and Birdforth House.

- 5.5 Overall the proposal is considered to be in accordance with planning policy for the area.

Neighbour amenity

- 5.6 Amended details received 12 May 2016 have improved the compatibility of the proposed dwelling with adjacent property by way of its impact on privacy and shading by moving the proposed house forward. The proposed house would now stagger the gap between the building line of Birdforth House and Fairhaven. The proposal, whilst closer, would not alter the relationship between properties significantly in a manner that would impact on the amenities of Fairhaven. The overall design and scale of the structure would not harmfully erode neighbour amenity subject to the obscured glazing of the first floor windows to the western elevation, which now serves a bathroom.

Highway safety

- 5.7 The alterations to the existing access, and the provision of a parking and turning area as part of the proposal would allow the development to avoid a harmful impact on highway safety. Subject to recommended conditions the Highway Authority is also in support of the scheme.

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 GP197/1, G197/2, G197/3, G197/4, G197/5 received by Hambleton District Council on 12 May 2016 and drawings numbered C224/16, C224/17"A" and C224/18 received on 4 May 2016.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
 5. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or

deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The first floor windows on the western elevation of the building serving the master bedroom shall at all times be glazed with obscured glass.
9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "G197/10"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In the interests of highway safety.

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Parish: Bedale

Ward: Bedale

4

Committee Date: 26 May 2016

Officer dealing: Mrs H Laws

Target Date: 31 May 2016

16/00463/FUL

**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 Members deferred consideration of this application at last month's meeting to allow a site visit to be made and to request advice from the Council's Conservation Officer. The dwelling lies within a terrace of two storey properties on the southern side of Wycar, towards the western end of the town. The dwelling lies 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 within the terrace. The dwelling is L-shaped at two storey level 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 existing two storey lean to section of the dwelling. The roof would abut the side elevation of the neighbouring dwelling at number 6 Wycar Terrace. The roof of the extension, and the rear wall facing into the yard, would be glazed.

1.5 Three rooflights 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.

1.6 The application is at Committee at the request of two of the Ward Members.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None

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

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

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 HDC Conservation Officer - I have been asked to comment on the design of this single storey extension to the rear of the property within the Bedale Conservation Area.
In my opinion, this glass extension is an effective and suitable way in which to extend the property. The use of glass will enable the brick structure of the house and outbuildings to be read in its original form with the glass providing a modern element of infill. There will be no harm to the character of the Conservation Area as a result of this extension, therefore meeting the requirements of NPPF.
In addition, the character and appearance of the Conservation Area is preserved as required by the Act.
- 4.3 Site notice/local residents - no comments received (expiry date for representations 5/4/2016)

5.0 OBSERVATIONS

- 5.1 Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. 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.
- 5.2 The NPPF paragraph 131 requires Local Planning Authorities to consider the desirability of new development making a positive contribution to local character and distinctiveness. LDF Policies CP16 and DP28 require new development to protect and enhance conservation areas.
- 5.3 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.
- 5.4 The lean to roof would be stepped below the eaves of the existing lean to and therefore retain the dominance of the original section and respect the existing scale and design of the dwelling. The proposed use of glazing introduces a new material to the property, which is a traditional brick and slate dwelling, but this would help to define the original part of the house and retain the prominence of the brickwork.
- 5.5 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 different parts of original dwelling and extension. It is not considered that the proposed design and use of glazing would be contrary to LDF Policies CP17 and DP32.
- 5.6 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 and in accordance with the NPPF.
- 5.7 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 of 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 of which the applicants are already aware 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 not considered to be contrary to LDF Policy DP1.

5.8 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. 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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Parish: Burrill with Cowling

Ward: Tanfield

Committee Date : 26 May 2016

Officer dealing : Mrs H M Laws

5

Target Date: 6 May 2016

16/00318/FUL

Retrospective change of use of agricultural land and buildings to equestrian use in connection with a riding school, livery and training and construction of an equestrian arena as amended by plan received by Hambleton District Council on 29 March 2016. at Cowling Hill Farm Cowling Lane Burrill North Yorkshire for Emma Chapman Training.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies on both the east and west sides of the road through the settlement of Cowling. The buildings associated with Cowling Hill Farm lie centrally within the settlement on the eastern side of the road. To the north of the farmstead lies Cowling Hall, a grade I listed building; to the south lies Low Cowling, a grade II listed building.
- 1.2 Access to the site is from Cowling Lane, which serves the existing dwelling and farm buildings and land beyond to the east.
- 1.3 The buildings comprise a dwelling, a traditional U-shaped group of stone, rubble and pantile stables and farm buildings used for storage. The land covers an area of 4.5 hectares.
- 1.4 The application is retrospective to change the use of the buildings and land from agriculture to equestrian use. The specific equestrian uses proposed include a riding school, full livery facility and training clinics. No physical alterations to the buildings are proposed.
- 1.5 There is existing capacity for 16 horses to be stabled at the site. The provision of additional stables would require additional planning permission.
- 1.6 The training element includes a series of different types of clinic where clients can attend with their horses or can leave their horses at the site.
- 1.7 The application is also retrospective for the construction of an external riding arena to the rear (north east corner) of the existing farmyard. No external illumination is proposed.
- 1.8 It is stated that the land has previously been used as a stud farm although there is no planning history relating to this activity.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

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 CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - comments as follows:

- aware that residents living near to Cowling Hill have great concerns about the impact the proposed development will have on them
- concerns about the size of the proposed development, the amount of vehicles that could be associated with it and how this will impact upon the local highways around Cowling and Burrill which are narrow in nature
- the issue of noise associated with the proposed development and how this will affect neighbouring properties
- how the excess sewage and waste created by the development will be disposed of
- it was noted by the Parish Council that land outside of the proposed site seems to be used for horses - could this be clarified?
- the Parish Council would like to see the matter referred to the Planning Committee and if possible a site visit should take place
- if possible, the matter be deferred until all the information has been updated and all questions have been answered in full therefore enabling yourselves to make a fully informed decision
- To summarise, the Parish Council does in the main support this proposal but this is subject to the various issues listed above and the concerns of the neighbouring property owners being taken into account and resolved so that the existing residents of Cowling and Burrill do not suffer detrimentally and are not inconvenienced in their daily lives.

4.2 NYCC Highways - no objections (no conditions)

4.3 SABIC - no observations

4.4 Historic England - we have been consulted on the application because of the proximity of the site to Cowling Hall and Wing, a grade I listed building. The application site lies directly to the south east of the Hall and has an agricultural character. Existing stabling on the site provides a degree of screening between the Hall and the development site. There are several existing buildings on the site relating to agricultural use. The proposed change of use of the land does not include any physical changes to the application site. Having considered the heritage values attached to the grade I listed building and the nature of the proposed development we do not consider that the effect on its setting would cause harm to its significance. We defer to the Conservation Officer regarding the assessment of any potential impacts on the grade II listed boundary wall on the south side of the garden at Cowling Hall. It may be possible that some form of protection of the wall on the south facing side to avoid physical impact damage should be introduced, should this be identified as an issue.

4.5 HDC Conservation Officer - the Grade II listed wall runs west to east along the southern boundary of Cowling Hall which is listed Grade I. The first edition OS map

shows the proposed site for the riding arena to have been a former garden. It is my understanding that the present use falls within the farm yard and no traces of the former garden remain.

The wall provides a setting to Cowling Hall, mainly from its sense of enclosure and height. The listing description refers to the wall being 4 metres tall in 1986 therefore I do not believe it has been raised in height at any time in the recent past if at all.

The setting of the wall itself, as a listed structure should be considered, however ultimately the setting must combine it with its relationship to Cowling Hall. If there are long distance views of the wall in front of Cowling Hall this would contribute to setting. However, given that the farmyard has been used as such for many years it is unlikely that this proposed arena would have any adverse impact on the setting of this grade II listed wall. Therefore I can see no harm being caused in this instance.

4.6 HDC Environmental Health - recommends conditions as follows:

1. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The external flood lighting shall be arranged so as not to shine directly towards any dwelling.

2. Any tannoy or address system shall be installed and operated in a manner and position as agreed in writing with the Local Planning Authority.

To protect the amenity of the locality, especially for people living and/working nearby

4.7 Site notice/local residents - Page, Hall, Johnson
Objections

- Previous owners had horses for their own use and not as an equestrian business; the most recent owners bred horses and operated a stud but had no riding school
- The amount of waste produced by a venture of this size should have organised waste disposal
- The area of parking does not appear to be adequate
- It is clear that activities and visitor attendance will operate not only Monday to Friday but at weekends, bank holidays, evenings and overnight
- Noise and light pollution
- There is no reference in the Planning Application to the bunk-barns referred to on the Emma Chapman website
- states that the applicant wishes to "change the use of some of the land to form full livery for 2 horses and riding school for 2 horses" - this implies that the application is for a total of 4 horses. However, paragraph 3.5 refers to the maximum number of horses being restricted to 16. It is unclear therefore how many horses this application is for and this should be clarified as this has direct impact on traffic volumes, noise etc
- I am of the view that the recent developments (and any future expansion beyond the 4 horses envisaged in this application) do and will impact negatively on both Old Cowling and Cowling Hall (both listed Grade 1).
- I am concerned that the scale of the enterprise in the coming months and years would need to be increased in order to build a viable business, with consequent increases in traffic, increased requirements for on-site vehicle parking, a possible future requirement for a covered arena, floodlighting the external arena at night in order to accommodate clients wanting lessons after dark etc. Any such increase in scale would, in my view, be inappropriate and would impact negatively on the neighbouring properties
- the barn now described as "Vehicle Storage" was used as stabling by the previous tenants and given that this barn is in the direct line of sight from the windows at Old Cowling, any change of use to vehicle storage and/or vehicles parked on the hard standing in front of this barn therefore impacts negatively on the view from Old

Cowling. So too does the recent installation of high intensity external lighting, which whilst not now directly pointing at Old Cowling does cast a bright glow over the surrounding area and which when on does continue to cast light through my windows. Levels of light pollution have therefore increased since the new applicants took over

- safety issue in respect of children on horses meeting vehicles passing through the 'tunnel'. The danger lies in the width of the roadway, which is enclosed by stone walls beside which there are no verges
- the height of the listed walls has not been altered although the ground level on the application site has previously been lowered
- the new arena is visible from the Cowling road when leaving Burrill and from windows in Cowling Hall. Ground floor principal rooms are at a high level and can therefore look over the boundary walls.
- there are several businesses advertised as operating from Cowling Hall and Cowling Hill.

4.8 Eight letters of support have been received, which are summarised as follows:

- Cowling Hill Farm has been used for equestrian and mixed purposes with an equestrian training arena for over seven years prior to this application and before that horses have been kept managed and ridden from this address for a further 19 years.
- Emma Chapman Training appears to operate a small number of people training with horses, traffic generated is almost certainly going to be less if Miss Chapman trains people to ride on her own horses. This is a benefit as farmers' vehicles on the road become larger.
- The application, if approved, will potentially reduce the number of trailer/ horse box movements as riders would not need to bring their own horses each time.
- It is good to encourage diversification in the countryside and to enhance sustainability.
- Emma Chapman Training is a very tidy operation, non-intrusive and the appearance of the property has been enormously improved since her arrival. The training arena is discrete and not even visible from the public highway.
- Since moving into the property the public highway verges and hedges have been improved at her request, improving access and visibility and generally benefitting the area.
- Please to discover that the vehicle size and frequency of movement are less than associated with normal farming.
- Tidying up a neglected property and bringing life back into the village.
- The farm has been used variously for car restoration, Aga repairs and latterly as a stud farm.
- There is considerable heavy traffic using the roads and horse boxes are much smaller.
- Small business with only a few clients at any one time.
- The format is generally a small group of people gathering at the clinic where we ride in groups to train our horses, and ourselves! The maximum amount of people at any time in the arena is usually three, and often less.
- As a voluntary provider of very successful work experience opportunities for our students, Emma Chapman Training is providing a really valuable service, with equestrian training through work placements, to some of our most vulnerable and disadvantaged young people, on a regular weekly basis, at Cowling Hill.
- One of the fields which borders our property was used by previous tenants for growing hay and grazing horses and the farm buildings were used mainly to stable horses. We support the plan to regularise this use.
- This proposal will have no visual or tangible impact in the district, the arena is not visible from the public highway.

- "traffic" generated will range from one "pupil" being taught individually, to a larger gathering or "event" at which there may be four participants. Horse boxes bringing one or two horses tend to be the size of a Tesco delivery van, seldom larger, the frequency will be low.
- The application should be supported as it confirms a viable rural business in this locality. It utilises existing stabling and buildings. The use brings a small amount of employment to the area, important to the Hambleton economy. The business also helps disadvantaged children to experience employment in an equine context. This niche activity will raise awareness of Western style riding, providing a new leisure and employment opportunity in the district.
- The alternative to not granting consent would potentially be to revert the premises to full agricultural use, with increase smell, noise, vehicle and machinery movement and the associated mud on the local roads.

4.9 A letter of support has been received from the Western Equestrian Society and is summarised as follows:

Emma has run a successful business at her previous premises and continues to run well organised clinics for us at various venues. There are few horse riders who ride in the Western style so the numbers are always low and do not cause any disruption on local roads. I would imagine it would be rare if we were noticed at all. Because it is such a niche discipline, we do have riders who come some distance to get the appropriate training. These riders will spend money in the local economy, using B&Bs, pubs etc. Emma herself has always supported local causes and businesses. We do rely heavily on Emma's friendly, professional service as the sole instructor and trainer in the area. I visited Cowling Hill shortly after Emma took over the tenancy and the improvements since are turning an unkempt, run down set of buildings into something very special and an asset to the area. I cannot stress enough how important Emma is to our equestrian discipline and, when you consider a training clinic may be as small as 4 riders, any impact on the local area would be minimal.

4.10 One letter has been received, neither objecting to nor supporting the proposal which states:

Whilst I am pleased to see the premises occupied and being improved and maintained, I am concerned over the increase in horseboxes and trailers travelling through the village on the narrow road. I can also understand that close neighbours would object to the increase in traffic and noise from the business.

5.0 OBSERVATIONS

5.1 The issues to be considered include: i) the principle of a commercial equestrian use in this location; ii) the impact on the amenity of local residents and; iii) the effect on highway safety.

5.2 The site lies outside of any defined Development Limit boundary and therefore an exceptional case must be made for the development in this less sustainable location. Policies CP1 and CP2 relate to sustainable development and minimising the need to travel. The use is a countryside activity and is located within cycling distance of both Bedale (less than 3km), Thornton Watlass (2.5km) and Crakehall (less than 2.5km) and therefore has the potential for several customers to access the use sustainably. The proposed use is not a diversification of an existing agricultural operation but would allow the reuse of redundant buildings that are no longer used for agricultural purposes.

5.3 LDF Policy CP4 requires development in locations such as this to help support a sustainable rural economy. The NPPF requires support to be given to economic growth in rural areas in order to create jobs and prosperity. The proposal is for the creation of a new small scale business and is an employment generator; initially

providing employment for one person, thereby supporting the local economy; and the proposal includes the re-use of the buildings at the site.

- 5.4 Policies CP15 & DP25 set out criteria that must be satisfied by development outside Development Limits that would support the social and economic needs of rural communities. This is relevant where development is not capable of locating within Development Limits by reason of the nature of the operation or the absence of suitable sites.
- 5.5 The NPPF in paragraph 28 requires policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas. This reflects the advice within LDF Policies CP1, CP2 and CP4.
- 5.6 LDF Policy CP15 reflects the advice within the NPPF to support the social and economic needs of rural communities by encouraging the re-use or replacement of suitable buildings for employment generating uses. The development should be designed to be sustainable, consistent with the requirements of CP1 'sustainable development'.
- 5.7 The development is small scale; reuses buildings that are on the site; it is desirable, but not always essential, to locate in a rural setting due to the potential for an adverse impact on neighbouring amenity; will support the local economy by providing employment and will not adversely impact on the economy of the surrounding area. The proposed development is in accordance with these policies.
- 5.8 There is some concern regarding the scale of the use, which could give rise to amenity and highway safety issues. It is anticipated that no more than 5 horses and riders would be at a training event at any one time. The majority of the business operation is one to one training of horse and rider. The scale of such a use is comparable to an agricultural operation that could take place at the site. An agricultural use could operate from the site without restriction, which could involve significantly larger vehicles at any time of the day. It is appreciated that an agricultural use would have fewer visitors to the site and noise could arise from voices of riders in and around the outdoor arena. It is suggested that conditions be imposed restricting the number of visitors at any one time and the hours of operation.
- 5.9 Several objections refer to uses that were listed on the applicant's website. These uses, such as bunk barn accommodation, are not proposed as part of the planning application. Should such a proposal be submitted in the future it will be considered on its merits at that time.
- 5.10 There are no physical alterations proposed at the site other than the creation of the outdoor riding arena. This lies immediately adjacent to the grade II listed wall, which forms the boundary with Cowling Hall, itself a grade I listed building. S66 of the Act requires us to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The alterations and use would have no greater impact on the wall than the previous use of the site and there are no long distance views that would be adversely affected as a result of the outdoor arena in this position. It is considered that no impact protection of the wall would be required as the users are horses and riders and it is unlikely that any machinery would be used within the arena. The siting of the arena would have no impact on the listed Cowling Hall as it lies beyond the curtilage and, due to the high walled boundary, would have no impact on its setting. Historic England has no objections to the proposed development.

- 5.11 The site is overlooked from neighbouring properties but just because the activities at the site can be seen from the neighbouring dwellings does not mean that there will be an impact on the amenity of those residents. The use of the site for horse and rider training could give rise to noise and general disturbance as a result of riders and also as a result of vehicle movements associated with the training events. These events do not occur frequently and there are unlikely to be more than one each week. Subject to appropriate conditions limiting the frequency, numbers of participants and hours of use, it is not considered that these events would result in an unacceptable effect on residential amenity.
- 5.12 Planning permission is not required for the grazing of horses and this could take place at the site without restriction.
- 5.13 The Highway Authority has no objections to the proposed use. Compared to the use of the site as a farm the proposed increase in activity is not significant. A condition is recommended to ensure that all vehicles are loaded and unloaded within the farmyard area itself so as not to obstruct the highway during potentially busy periods.
- 5.14 The scale of the business would be restricted by the size of the site and the number of stables. If additional land or buildings are required further planning permission would be needed.
- 5.15 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. The development hereby permitted shall be begun within three years of the date of this permission.
2. The equestrian uses hereby approved shall not be other than as a livery and horse and rider training facility and shall not be used for any competitive events.
3. The equestrian use hereby approved shall not be operated or managed other than by the occupant(s) of Cowling Hill Farm, Cowling.
4. The number of horses stabled on site shall not exceed 16 at any one time.
5. No more than 5 horses and 5 riders shall be at a training event at any one time.
6. No rider training shall take place at the site between the hours of 7.00pm and 08.00am on any day.
7. Prior to the commencement of the development hereby approved, details of the storage and disposal of the animal waste and stable bedding shall be submitted to and approved in writing by the Local Planning Authority. The approved methods shall thereafter be implemented and no animal waste or stable bedding shall be burnt.
8. There shall be no illumination of the development hereby approved without details having first been submitted to and approved in writing by the

Local Planning Authority. Thereafter the approved details shall be implemented and retained.

9. No tannoy or address system shall be installed or used at the site.
10. All loading and unloading of trailers and horseboxes shall be undertaken within the yard area illustrated on the Block Plan (CHA-02) and shall not be loaded or unloaded outside the boundary of the site.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered CHA-02 received by Hambleton District Council on 12 February and 29 March 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. The Local Planning Authority would wish to retain control over the scale and use of the business to protect the amenity of the surrounding area and for reasons of highway safety in accordance with the Local Development Framework Policies CP1, CP2, DP1 and DP4.
3. To protect the residential amenity of the occupants of Cowling Hill Farm in accordance with LDF Policy DP1.
4. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
5. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
6. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
7. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
8. To safeguard the character and appearance of the surrounding rural landscape and the amenity of local residents in accordance with LDF Policies CP16, DP1 and DP30.
9. To safeguard the amenity of local residents in accordance with LDF Policies CP1 and DP1.
10. In order to protect the amenities of residential neighbours and in the interests of highway safety in accordance with Development Policy CP2, DP1 and DP4.
11. 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: Crakehall

Ward: Bedale

6

Committee Date: 26 May 2016

Officer dealing: Mrs H M Laws

Target Date: 3 June 2016

15/01668/FUL

**Alterations to store and garage to provide extra garage facility and conversion of barn to a dwellinghouse
at Village Farm, The Green, Crakehall
for Mr R Walker**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Village Farm is a traditional stone built, double fronted, two-storey farmhouse which is a grade II listed building. The dwelling lies on the western side of the village green within the Crakehall Conservation Area.
- 1.2 A detached stone and pantile building lies to the rear of the dwelling beyond the end of the garden. The building is at two heights, historically forming a granary and stable block. The building is currently used for stabling and associated storage. A smaller detached stone building, currently used for domestic storage and garaging, lies adjacent to the driveway between the house and the granary/stable, forming the side boundary to the garden.
- 1.3 Access to the house and associated buildings is from the village green through a gated driveway at the side of the house adjacent to the neighbouring property at Greengarth.
- 1.4 It is proposed to convert the granary/stable block into an independent dwelling unit. The accommodation would include kitchen/dining/living room and a ground floor bedroom with ensuite. A first floor would be provided within the granary building to accommodate two bedrooms and a bathroom. A stable and store would be retained at ground floor.
- 1.5 The proposed external alterations to the granary/stable include the re-use of all the existing openings; the creation of four new first floor openings, four conservation rooflights in the north elevation and three slit windows in the south elevation.
- 1.6 It is also proposed to alter the existing detached store; this would then provide a garage and a store for the existing and proposed dwellings. The external alterations include the creation of a garage door opening in the west elevation and a replacement garage door in the east elevation.
- 1.7 Access to the proposed dwelling would be via the existing driveway from the village green. The driveway would therefore be shared with the existing dwelling for a short stretch; the existing rear garden would be divided to provide amenity space for both properties.
- 1.8 Documents submitted include a design and access statement, planning policy statement, structural survey, bat survey and preliminary assessment of land contamination.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 09/01648/FUL - Alterations to part of existing dwelling to form a holiday cottage; Granted 20 August 2009. This development has not been implemented and has lapsed.

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 DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
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 comments received.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Yorkshire Water - no comments.
- 4.4 Environmental Health Officer - this service has considered the existing environment, potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.5 Senior Scientific Officer (contaminated land) - no objections.
- 4.6 Public comment - an objection has been received from the neighbouring property to the north (Grey Riggs), whose comments are summarised as follows:
- Permission has been granted at another neighbouring site for a holiday cottage, which we opposed due to loss of amenity and privacy. The current application is yet further encroachment into our privacy as the barn is very close to our land;
 - The peace and tranquillity is now in real danger of being eroded on two sides;
 - There is very limited vehicular access in front of Grey Riggs and Village Farm and the inevitable addition of cars and other vehicles will exacerbate the problems already being encountered;
 - The site is close to the village pub and the school and at peak times there is very many vehicles affecting all the properties in the immediate surrounding area; and
 - The houses overlooking the Green enjoy a superb outlook and the building of additional dwellings with access to the Green would be greatly detrimental to the attractive outlook.
- 4.7 A comment has been received from residents to the north (Hill Top Cottage) and is summarised as follows:
- The building have their north face directly onto our paddock; no concerns or observations regarding the proposed rooflights but would ask that a restriction is

added that no openings be allowed in the north facing walls. This will preserve the historic look of the buildings and preserve the existing privacy of our paddock.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of creating a new dwelling in this location; (ii) the effect of the alterations on the character and appearance of the existing building and surrounding Conservation Area and on ecology; (iii) the impact on neighbour amenity; and (iv) highway matters.

Principle

- 5.2 The position of the granary/stable building lies outside the Development Limits boundary of Crakehall as defined in the Local Development Framework. The domestic store and access lie within the Limits. Crakehall is defined in Policy CP4 of the Core Strategy as a Service Village with existing facilities including a primary school, a pub and a petrol filling station, which add to the sustainability of the village. The Interim Planning Guidance (IPG) also defines Crakehall as a Service Village and therefore a sustainable location in its own right. It is considered that an additional dwelling would help to support local services in the village and therefore satisfies criterion 1 of the IPG.

Character and appearance

- 5.3 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character as it relates well to the existing domestic curtilage of Village Farm. The site is adjacent to the open countryside, which lies beyond the site to the west. The following detailed advice within the IPG is considered to be relevant:

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

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

The proposed dwelling would be created by converting buildings on land that is currently used for domestic purposes and which lies adjacent to residential uses. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the limited loss of openness, would not detract from the character of the countryside.

- 5.4 This part of Crakehall is characterised by linear, frontage development; the proposed development would be a form of backland development. However, the dwelling would occupy a building that is already part of the village in character. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Crakehall already extends further into the countryside than the application site and as such it is considered that the development proposed, being sited between existing built development and for the re-use of existing buildings, would appropriately respect the general built form of the village.
- 5.5 A structural survey has been received that concludes that the buildings are in good condition, have been well maintained and are capable of being re-used without significant repair and alteration. The proposed alterations to the buildings are minor

and would not affect their overall character and appearance. The original rural appearance would be retained and the proposed development would not detract from the site or surrounding locality.

- 5.6 It is recommended that a condition be imposed restricting the insertion of new openings in the north elevation of the building, which lies on the boundary with adjacent paddock. The character and appearance of the existing unbroken stone wall of the building would potentially be adversely affected by such alterations and the Local Planning Authority would wish to retain control.
- 5.7 The dwelling at Village Farm is a grade II listed building; Section 66 of the Act requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposed alterations to the buildings are minor and do not detract from the original character of the buildings. It is not therefore anticipated that the setting of the existing listed building would be adversely affected.
- 5.8 The submitted bat survey confirms evidence of bats in the building but not of bat roosts although there is some potential for roosts. Evidence of birds' nests was found but not of barn owls. Mitigation measures are proposed and a condition is recommended to ensure these are undertaken.

Neighbour amenity

- 5.9 The granary/stable building lies on the boundary with the paddock to the north and would overlook a paddock/garden area to the south. The proposed dwelling lies at a distance of almost 30m from the rear elevation of Grey Riggs although the existing garden lies immediately adjacent to the rear garden of the neighbouring dwelling. The existing garden would be divided to provide amenity space for the retained Village Farm and for the proposed house; thereby resulting in an intensification of use. The dwellings lie within the village setting and therefore the use of a garden for an additional household would not significantly increase the potential for disturbance to residents.

Highways

- 5.10 The existing access and driveway serving Village Farm and the application site lie between the existing dwelling and its neighbour at Greengarth. The driveway is single width, and provides access from the site onto the narrow roadways serving other properties at this side of the village green. The proposed development would result in the access being used for two dwellings rather than just one. It is important to note that the site was originally a farm and, although there is access to the fields to the west with an alternative farm track access onto Station Road, farm vehicles would have used this route. The access is also used in connection with the equestrian use of the buildings, albeit associated with the domestic use of the property. Planning permission was granted in 2009 to use part of the existing dwelling as a holiday cottage (not implemented and now lapsed), which would have generated additional traffic, similar to that generated by the proposed dwelling. The Highway Authority has no objections to the use of the access and therefore it is considered to be acceptable.
- 5.11 The Highway Authority has no objection to the proposed conversion to form an additional dwelling unit. Adequate parking and turning can be provided within each of the proposed curtilages, whilst retaining sufficient amenity space for dwellings of this scale.

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 the development commencing, details of the materials for the doors and window frames, together with details of the glazing bars, opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed doors and windows shall conform to that approved specification.
 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. Notwithstanding the provision of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' no windows shall be constructed in the north elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.
 5. Mitigation measures as detailed within the Bat Survey Report produced by Quants Environmental Ltd, received by Hambleton District Council on 9 December 2015, shall be carried out in full.
 6. 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 03/644/01/Existing and Proposed Site Plans Site Location 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.
 7. The garages 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 Development Order 1988, or subsequent amending Order, no subsequent alteration shall be undertaken.
 8. 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.
 9. 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.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 03/644 01A and 03/644 01 received by Hambleton District Council on 8 March 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. To safeguard the appearance of the building in accordance with LDF Policies CP17 and DP32.
5. To minimise risk or disturbance to bats and their future use of the buildings in accordance with LDF Policies CP16 and DP31.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

14/01472/FUL

**Construction of 2 dwellings
at Greenbank Farm, Dalton
for Mr Steve Bradbury**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was originally reported to Planning Committee at its meeting of 30 April 2015, where it was resolved that planning permission would be granted subject to conditions. However, the assessment of the application had taken account of the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, but was subsequently declared unlawful and quashed by the High Court.
- 1.2 The quashing of the Ministerial Statement required re-assessment of the proposal with a view to securing an affordable housing contribution. However, the Court of Appeal overturned the High Court's decision on 11 May 2016, thereby again preventing an affordable housing contribution being secured.
- 1.3 In view of the history outlined above and the passage of time since the previous resolution, the matter is presented to Planning Committee again for decision.
- 1.4 The proposed dwellings would be positioned to the east of the existing dwelling at Greenbank Farm, Dalton.
- 1.5 The two dwellings would each provide for a living room, family room, kitchen, hall, w/c and study at ground floor level and 3 bedrooms, 1 en-suite bedroom and a bathroom at first floor level. The dwellings would have maximum dimensions of 12.2m x 10m, with a total height of approximately 7m.
- 1.6 A detached double garage is proposed within the domestic curtilage of both properties.
- 1.7 Materials proposed for dwelling 1 are brickwork and render with a pantile roof, dwelling 2 would comprise slate roof tiles and brickwork and render walls.
- 1.8 Access to the proposed dwellings would be via the existing vehicular access to the existing dwelling at Greenbank Farm.
- 1.9 Part of site, most notably the vehicular access, is within Flood Zones 2 and 3. The development limit boundary dissects plot 2. Amended plans and a planning obligation provide for an emergency exit route from the rear of the proposed domestic curtilages to the land to the rear of the adjacent village hall to which access can be gained to the highway outside of Flood Zones 2 and 3.
- 1.10 A tree the subject of TPO 1987/7 is positioned to the south-eastern boundary of the curtilage of plot 1 adjacent 1 Oak View.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/02180/TPO - Application to carry out works to a tree the subject of a Tree Preservation Order No. 1987/7; Granted 2004.

- 2.2 13/02121/FUL - Rear extension and installation of new windows to the side and rear of Greenbank Farm; Granted 29 November 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 CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework
Ministerial Statement 28 November 2014

4.0 CONSULTATIONS

- 4.1 Parish Council - Object to the proposal on the following grounds: "Scale, mass, density and visual impact on surrounding properties. There has been one estate of 31 properties recently completed and another one of 36 properties being built in the village and we are most concerned about the quantity of properties relative to the amenities and services in Dalton. The Parish Council would like to have a Planning Site Visit and for the application to go to a Planning Committee Meeting for a decision".

Note: Planning Committee members inspected the site before the meeting of 30 April 2015.

- 4.2 Highway Authority - Conditions recommended regarding Discharge of Surface Water, Private Access/Verge Crossings: Construction Requirements, Parking for Dwellings, Precautions to Prevent Mud on the Highway, On-site Parking, on-site Storage and construction traffic during Development.
- 4.3 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.4 Swale and Ure Internal Drainage Board - Part of the site lies within Board's Drainage District. The FRA does not cover the question of possible loss of floodplain storage and consequent increase in flood risk elsewhere. Also the risk of flooding in Old Beck is exacerbated by the presence of a weed-screen 200m downstream at OSNGR SE

42982 76380. The FRA ought to consider the impact of screen blockage on flood risk and design water levels. An objection has been raised whilst these concerns are addressed.

The advised concerns about flooding by blockage of the Old Beck weed screen and loss of flood plain storage have now been resolved and clarified by the agent.

- 4.5 Environment Agency - The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment by AAH Planning Consultants, dated December 2013, Ref: AAH/01111/13FRA submitted with this application are implemented and secured by way of a planning condition on any planning permission. Subsequently, advising that the flood risk sequential testing is required to be undertaken.
- 4.6 Senior Drainage Engineer - Highlights that the proposal would need to pass the sequential and exception tests to be considered acceptable from a flood risk perspective. Notes that the applicant has provided a detailed analysis of the exception and sequential tests and the EA have considered the levels of development. The access is within Flood Zone 3 and safe access and egress during flood events should be provided.
- 4.7 Yorkshire Water - No response received.
- 4.8 Public comment - No responses received.

5.0 OBSERVATIONS

- 5.1 The main planning issues relate to (i) the principle of the proposed dwellings in this location; (ii) the flood risks on site and in the locality; (iii) any impact on the visual amenity of the surrounding area; (iv) any impact on neighbour amenity; (v) any impact on highway safety; and (vi) affordable housing.
- 5.2 As noted in paragraph 1.1 Planning Committee has previously resolved to grant this application subject to the completion of a planning obligation relating to access during a flood event and a contribution towards affordable housing. A planning obligation relating to the access has been prepared but following the recent decision of the Court of Appeal there is again no requirement for affordable housing in this case. The following parts of this report are prepared to enable members to review the planning issues.

Principle of Development

- 5.3 Plot 1 is within the development limits of Dalton which is a sustainable settlement as is defined by policy CP4 of the Hambleton Local Development Framework. Half of plot 2 is within development limits, however it is considered to be no less sustainable in terms of its positioning with relation to the facilities of Dalton and would broadly comply with policies CP1 and CP2.
- 5.4 Whilst the incursion of plot 2 into the countryside is minor, it is not allowed for by any of the exceptions to the strict control of development beyond Development Limits set by Core Policy CP4. However, the dwelling would not be isolated and therefore is allowed for by the National Planning Policy Framework. More significantly, the Council has adopted Interim Policy Guidance (IPG) to assist in cases such as this and the minor element of the proposal that falls outside Development Limits is entirely within the scope of the IPG.

Flood Risk

- 5.5 The applicant has provided extensive analysis of the risks to the development posed by flooding. The applicant has provided a Flood Risk Assessment which has recommended measures which could form a planning condition to minimise the risk to occupiers of both dwellings. The risk is only posed by the access and subject to a 'floor levels' condition not to the dwellings.
- 5.6 The application has been considered in the light of paragraph 102 of the National Planning Policy Framework (NPPF). Assessment has established through site-specific flood risk assessment that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. In conclusion it is considered that through the assessment undertaken the scheme demonstrates compliance with policy DP43 of the Hambleton Local Development Framework (LDF).
- 5.7 Considering the location of the proposed dwellings, and the conclusions drawn in relation to flood risk, it is considered that the proposed development is acceptable in principle.

Visual Amenity

- 5.8 The applicant engaged in extensive pre-application discussions to ensure that the housing density and design are appropriate to the setting. The proposed dwellings would be appropriately positioned on the elevated site and would maintain the character and appearance of the local area.

Neighbour Amenity

- 5.9 The position of the proposed dwellings to each other, to the existing dwelling at Greenbank Farm, and to immediately adjacent residential properties is noted. The overall design of the dwellings and their relationship to nearby properties is such that there would not be an adverse impact on neighbour amenity.

Highway Safety

- 5.10 An existing access would serve both proposed dwellings. This access is partially constructed and subject to the recommended conditions of the Highway Authority, the proposal would not have an adverse impact on highway safety.

Affordable Housing

- 5.11 The Ministerial Statement of 28 November 2014 removed the ability for Local Planning Authorities to collect tariff obligations for developments of this size and the proposal was originally assessed on that basis. However, the Ministerial Statement had been found unlawful by the High Court in July 2015 and therefore the LDF requirement for affordable housing, either by provision or a financial contribution, could be afforded full weight again. Following the subsequent Court of Appeal decision the scheme is again not required to contribute towards the provision of affordable housing.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 14 July 2014 and 6 February 2015 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
5. The development hereby approved shall be constructed with finished floor levels are set no lower than 22.50m above Ordnance Datum (AOD) as detailed within the Flood Risk Assessment received by Hambleton District Council on 14 July 2014.
6. No built development shall take place below the 22.50m AOD contour line.
7. No ground levels on site should be raised above those existing, and all excess spoil shall be removed from the site.
8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
12. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 11 above.
13. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water

from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

14. No dwelling shall be occupied until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii)(b) The existing access shall be improved by widening to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6 VAR; and (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
15. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing "Proposed Site Plan". Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
18. Prior to the first occupation of the dwellings hereby approved the mitigation measures detailed within the Flood Risk Assessment received by Hambleton District Council on 14 July 2014 shall be implemented and thereafter retained.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. 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.
5. To ensure that the proposed dwellings are not at risk of flooding in accordance with policy DP43 of the Hambleton Local Development Framework.
6. To ensure there is no displacement of possible future flood flows onto others in accordance with policy DP43 of the Hambleton Local Development Framework.
7. To ensure that there is no loss of storage of flood waters, and to ensure that possible future flood flows are not pushed onto others in accordance with policy DP43 of the Hambleton Local Development Framework.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP33.
9. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment.
11. In the interest of satisfactory drainage and to avoid pollution of the water environment.
12. In the interest of satisfactory drainage and to avoid pollution of the water environment.
13. In the interests of highway safety.
14. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
15. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
16. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
18. To ensure that the proposed dwellings are not at risk of flooding in accordance with policy DP43 of the Hambleton Local Development Framework.

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Parish: Danby Wiske with Lazenby

Ward: Morton on Swale

8

Committee Date: 26 May 2016

Officer dealing: Mrs B Robinson

Target Date: 3 May 2016

16/00561/OUT

Outline application with some matters reserved for a dwelling with access at land to rear of Woodbine Row, Danby Wiske for Mr T Hugill

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is at the north west edge of Danby Wiske. The site is a wedge shape piece of agricultural land, area 0.084ha, with field gate access to a short unadopted track. The land slopes relatively steeply from the gate towards the west. The access track also serves 3 cottages, Ivy Cottage, Lilac Cottage and North Row, which are arranged perpendicular to the village road along the track. Woodbine Row is a short row of cottages, parallel to and set back from the main village road, with an end gable onto the access track. There are informal parking areas at the end of Woodbine Row, and a hardstanding at North End Cottage.
- 1.2 The village is based around a crossroads, and has a mainly linear form, with some back-land development in the north-west and north-east quadrants in particular. The village has a public house, church and village hall.
- 1.3 The proposal is in outline but with access to be considered now, and all other matters reserved. The application is submitted with speed survey data previously presented to the Highway Authority. Indicative siting of a dwelling and garage/parking area has been provided, showing a bungalow with dormers, positioned centrally on the plot facing the access. An alternative siting has been provided showing a dwelling positioned in the south east corner of the plot, and suggests a dormer style dwelling with stepped ridge.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/93/038/0069 - Construction of a dwellinghouse; Refused 10 December 1993.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy

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

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

Interim Policy Guidance - adopted by Council on 7 April 2015

National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council –

- The application is outside the original village limits.
- A previous application on the same site was rejected.

- Access from Woodbine Row is a concern of the immediate local residents due to the restrictions of the road size and addition of vehicle traffic.
- We understand that the application is now for a 3 bedroomed dormer property and if approved should be limited in height to be less than the existing adjacent properties.
- It should be of a size in keeping with existing properties and not that large that it is dominating the immediate area and built of materials that are in keeping with the existing village properties.
- It should be a condition that access to the site during construction is via the entrance off the Streetlam Road opposite the Old Police House for all plant and material delivery vehicles.
- That the field above the site being used by plant and vehicles during construction be reinstated as it is now after the work is completed.

4.2 Public comment –

- The ultimate intention is to open land for more development.
- The village has few services
- Drainage/flooding concerns.
- Access lane is inadequate, and responsibility for maintenance unknown. It is used for parking by neighbouring houses. Rights of access are not clear
- Harm to neighbouring property.
- Concerns about sewerage capacity and flooding
- Precedent for other infill development.
- ATC (automatic traffic count) does not take account of agricultural traffic use of road.
- Loss of outward views.
- Dominant effect on North End and Woodbine Row and existing properties.
- Not suitable for access by large vehicles to service the house.
- Site could be accessed from elsewhere.

4.3 Yorkshire Water – No comments.

4.4 Highway Authority - conditions requested.

5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the village; (ii) residential amenity; (iii) impact on the character of the village; iv) highway issues.

Principle

- 5.2 Danby Wiske is a village without status within the Settlement Hierarchy set out in policy CP4 as adopted in 2007. In 2015 the Council adopted Interim Policy Guidance (IPG) which included and updated Hierarchy that designated Danby Wiske as an Other Settlement, and which provides for a more flexible consideration of new development at the edge of settlements. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, which applies to any site in Danby Wiske, unless one of six exceptions can be applied. The applicant has not claimed any of the six exceptions and none are considered to apply, therefore the proposal is contrary to the Development Plan and planning permission should be refused unless other material considerations provide sufficient support for it.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it

will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". The site is not considered to be isolated and therefore the NPPF provides some support.

5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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

5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are only likely to be sustainable if they form part of a cluster of settlements with adequate existing services and facilities. The IPG clearly indicates that in order to be considered sustainable, an Other Settlement must be either clustered with a Service or Secondary Village or with sufficient Other Settlements to achieve "a good collective level of shared service provision". It also indicates that "significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)" would preclude those village from forming a cluster. Danby Wiske is relatively isolated and considerably more than 2km from any other settlement so it cannot form a cluster and it could only be considered a suitable location on the basis of some exceptional justification.

5.6 The agent for the application argues that the following wording in the IPG allows for an Other Settlement to be considered sustainable on its own, i.e. without being clustered:

"Other Locations (Other Settlements) may also meet the sustainability requirements, particularly when considered as a cluster."

5.7 However, this must be read in the context of the IPG as a whole, which indicates that the smallest settlements with sufficient services and facilities to be sustainable locations for further development are Secondary Villages. It is considered that the wording highlighted by the agent allows for future change, whereby an Other Settlement may benefit from new facilities and additional services that would justify it being re-designated in a subsequent review of the Settlement Hierarchy, just as some settlements changed rank in 2014. In support of his contention that Danby Wiske is a sustainable location, the agent states:

"Unlike many other villages with the same designation, the village possesses a number of services and facilities, which include a popular and well-used village pub

and village/community hall. Therefore additional development would support these local services.”

- 5.8 The 2014 Audit of Village Services Review also identifies a place of worship, an unequipped children’s play area, a casual recreation area and a school bus service. Even with these facilities, the village is not unusually well served when compared with other small settlements and it falls well short of the overall level of provision to be found in a Secondary Village. These factors do not justify an exception to the normal means of assessment. Whilst the agent refers to the popularity of the pub and hall, popularity is subjective and hard to measure, and the Settlement Hierarchy takes no account of it. Furthermore, whilst the agent is correct to say that additional development would support local services, the same could be said in almost any situation and it is not the Council’s approach. The basis of the IPG, and the relevance of the Audit of Village Services, is that there must be sufficient services and facilities in place to support new development.
- 5.9 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features, and to design a dwelling that would not be detrimental to the rural surroundings. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure. With regard to this last issue, whilst neighbours have expressed concerns about drainage capacity, discussion with Yorkshire Water suggests that an additional dwelling is unlikely to give rise to significant problems.

Residential amenity

- 5.10 The site is large enough to accommodate a dwelling, sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity. The indicative details show a distance of approximately 14 metres to 3 Woodbine Row. The site is at a higher level and would face the upper floor of number 3, however in the form suggested the elevation concerned is likely to be a blank gable (which could be secured at the reserved matters stage) without harm to privacy. On that basis, and subject to an appropriate roof design, any loss of amenity would not be significant.

Character of the village

- 5.11 The proposed development will be cut into the slope of the hill, limiting the overall height of the property when compared to that of the neighbouring dwellings. The applicant has provided a revised, indicative layout which suggests that the proposed dwelling would fit within the built framework of the village, given the locally in-depth development forms and relative heights and layout of the neighbouring properties.

Highways

- 5.12 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. At the edge of the village the road concerned becomes a farm access, and while farm traffic passes the site, general traffic is relatively limited. Taking into account that the Highway Authority does not object, this issue would not justify refusal. Neighbour comments refer to fears about the size of the access and that the submitted traffic count does not take account of agricultural traffic. However, the submitted details show that the width of the access is sufficient to allow for safe access to the site subject to a normal expectation of attentive driving. Access to the site is achievable without harm to buildings adjacent to the site.

6.0 RECOMMENDATION

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

1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The location of the proposed development is also insufficiently sustainable to benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

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15/02666/FUL

**Construction of an agricultural storage building
at Longbridge House Farm, Stillington Road, Easingwold
for Mrs Jane Grant**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is south of Stillington Road opposite Easingwold Football Club and the site is to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oaklands Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature with a line of trees on the west boundary.
- 1.2 The application proposes a new agricultural building measuring 54.8m by 30.4m and 13.8m to the ridge. The proposals would be constructed of portal frame construction in a mixture of concrete grain panels on lower walls and profile sheeting to the upper walls and roof.
- 1.3 The applicant confirms that the proposed storage building is part of an upgrading of the applicant's farm activities. In addition to the agricultural land at Easingwold which the applicant farms they have now agreed terms to farm an additional 712 acres at two other locations in the area. These are 304 acres at New Manor Farm, Carlton Husthwaite, to be farmed under contract and 408 acres at Woodhouse Farm, Rufforth that is rented. These areas are about 7 miles (11km) and 14.0 miles (23km) from the application site respectively.
- 1.4 The two sites at New Manor and Woodhouse Farms are confirmed to be available to the applicant through contract and/or renting and enable a flexible package to be put together that allows them to expand their arable farming but with the flexibility to consider alternative, or additional sites nearer to Easingwold if they become available.
- 1.5 The land will be used to significantly increase the scale of their arable operations on good quality land that enables a variety of commercial crops to be grown, they will focus on cereal production but can include a variety of root or feed crops as market opportunities emerge.
- 1.6 The applicants state that neither of the contract or rental agreements includes the use of any buildings or covered storage on the Farms that this generates a need to develop the storage capacity at Longbridge. Longbridge House Farm will continue to be the operating base from where the additional land will be managed, the land will be farmed primarily by existing staff deployed to sites as operations require but it will also in addition to securing those jobs be likely to provide opportunity for employment growth.
- 1.7 The applicant confirms that the distance of the two parcels of land from Longbridge House is not considered to be unreasonable given the transport related activities of the applicant business collective, and it is planned that the majority of the movements can be dealt with by their own transport making the transport operations both viable and functionally efficient.

- 1.8 The applicant confirms that there will be no grain drying plant in the building.
- 1.9 The site is outside the development limits for Easingwold. The development limits follow the boundary of the fire station and training centre the Leasmires Beck to the west of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station and training centre. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused).
- 2.2 97/50445/O - Outline application for the construction of a dwellinghouse - Refused - 03.03.1998
- 2.3 97/50446/O - Outline application for the construction of an agricultural building for the accommodation of livestock - Granted - 12.09.1997
- 2.4 98/50376/P - Construction of an agricultural building for the accommodation of livestock - Granted 28.09.1998
- 2.5 98/50377/P - Construction of an agricultural building for the accommodation of livestock - Granted 28.09.1998
- 2.6 98/50378/P Construction of an agricultural building for the accommodation of livestock - Granted 28.09.1998
- 2.7 98/50379/P - Construction of an agricultural building for the accommodation of livestock - Granted 18.12.1998
- 2.8 00/50427/P - Construction of an agricultural building for storage purposes - Granted - 27.04.2000
- 2.9 00/50428/P - Construction of an agricultural building for storage purposes - Granted - 27.04.2000
- 2.10 02/00500/FUL - Construction of general purpose agricultural building for storage of feed and machinery (including the weighbridge) - Granted - 29.04.2002
- 2.11 03/00097/FUL - Construction of an agricultural building for storage and machinery repair purposes - Granted 21.03.2003
- 2.12 03/01614/FUL - Retrospective application for entrance walling at front of site - Granted 16.10.2003
- 2.13 04/00133/FUL - Change of use of part of office block into a veterinary surgery - Granted 31.05.2005
- 2.14 04/02303/FUL - Installation of liquid waste storage tank - Refused 31.05.2005
- 2.15 05/01700/FUL - Change of use of 2 agricultural buildings to general storage purposes - Granted 26.09.2005
- 2.16 06/00029/FUL - Change of use of agricultural building to MOT test centre - Refused 16.06.2006. The reason for refusal stated that the large scale and commercial nature

of the proposed use are considered inappropriate within this rural location and will fail to be supplementary to the existing agricultural enterprise.

- 2.17 06/00425/FUL - Construction of a two storey veterinary surgery - Withdrawn
- 2.18 06/02583/FUL - Retrospective application for alterations and change of use of existing agricultural building to form a storage and office building. Granted 10.01.2007
- 2.19 07/00292/FUL - Revised application (to 06/00425/FUL) for the construction of a two storey veterinary surgery with associated facilities - Granted 17.04.2007
- 2.20 07/01128/APN - Application for prior notification of the construction of an agricultural building for the storage of agricultural machinery - Refused 03.05.2007. This proposal was on the York Road frontage away from the main agricultural yard and was refused due to the proposed size and siting of the building was considered to have a significant adverse impact upon the appearance of the surrounding countryside.
- 2.21 07/02214/FUL - Change of use of agricultural land to the siting of six residential caravans to be used as agricultural workers dwelling - Refused 13.09.2007
- 2.22 08/00838/FUL Revised application for change of use of agricultural land to the siting of six residential caravans - Refused - 23.05.2008. The proposed caravans were proposed to be located in the same position as the proposal for the new agricultural building under 15/02666/FUL.
- 2.23 08/00857/FUL Revised application for the construction of a single storey veterinary surgery with associated facilities - Granted 27.05.2008
- 2.24 10/01634/FUL Construction of a general purpose farm building - Granted 08.12.2010
- 2.25 10/02960/FUL First floor extension to existing office building - Withdrawn
- 2.26 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building - On the same agenda

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP25 - Rural employment
- Development Policies DP26 - Agricultural issues

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP44 - Very noisy activities
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council - Wish to see approved for agricultural storage only and not to be used as part of any waste management activities.
- 4.2 Highway Authority - No objection.
- 4.3 Environmental Health Officer - No objection - conditions relating to external lighting, no mechanical extraction or drying equipment and that the building shall not be used to store farm or other waste are recommended.
- 4.4 Public comment - 4 letters of objection from residents of the nearby residential development raising the following grounds of objection:
- Already suffer from noise and smells from current farm use, an additional building and increased activity would be unbearable.
 - Why do they have to construct this building so close to neighbours properties, with the land they have at their disposal.
 - Was lead to believe that the land behind was to remain unbuilt when property was purchased.
 - Large flood lights operating through the night
 - An addition of further tree planting to screen the building would be welcomed.
 - Question the size and scale of the building.
 - Bring these disturbances closer to our house and make them worse.
 - Will overshadow houses and gardens and potentially cut out sunlight.
 - It will also create a poor view from the rear and affect the re-sale value of property.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location alongside the relationship to 16/00685/FUL; (ii) the impact on the character and appearance of the area; (iii) the impact on neighbour amenity; and (iv) the impact on highway safety

Principle of development

- 5.2 The site has a complex and long planning history with a range of uses approved however the primary purpose of the site is as a hub for the agricultural enterprise with the waste management and other businesses also operating on the site. The planning application 16/00685/FUL, on this agenda, should also be noted.
- 5.3 Taking account of the proposal and the evidence submitted as well as the information supplied, the proposal, whilst large, relates to agricultural enterprises and can be safeguarded as such. It should be noted that previous applications to locate buildings elsewhere in the enterprise have been resisted due to their remoteness and impact on the open countryside. Locating the buildings together has a practicality and there is an existing office building and other buildings that can be co-joined together.

- 5.4 As such, subject to consideration of detailed matters, the proposal is considered acceptable.

The Character and Appearance of the area

- 5.5 It is noted that the proposed building would be large and designed to meet the needs of a modern agricultural enterprise. There are also HGV movements on the site and commercial activity occurring relating to the approved waste operations. The proposed building would be designed in a manner akin to the neighbouring building which was approved under planning reference 10/01634/FUL which measures 30.5m x 36.6m with a height to the ridge of 11.9m. This building is to be used for grain and machinery storage.
- 5.6 The building would be similar in character to other agricultural buildings and the scale and size would allow for operations, such as the delivery of goods by trailer to take place within the building.
- 5.7 The proposal would be located on an otherwise open field which is currently grassland bringing the group of buildings closer to the properties on Hurns Way. However, the proposal would be viewed from the countryside against the existing industrial estate and fire station and would effectively infill the land between existing operations and the housing estate whilst leaving a gap of approximately 50m to residential properties. Additional tree planting would assist the development assimilating into the area. The existing trees on the boundary with the Hurns Way estate along Leasmires Beck are the subject of a Tree Preservation Order 12/00001/TPO.
- 5.8 Overall the proposal is in keeping with the scale and character of the existing agricultural and commercial operations on the site, the neighbouring industrial estate and is considered acceptable.

Neighbour amenity

- 5.8 Environmental Health Officers note that this application is for an additional building on an existing operation and comment that depending on use, agricultural buildings do have the potential to be a focus for activities which may adversely affect the amenity of neighbours. The particular use of the building proposed in this application is not clearly specified. The application supporting information states that the vehicular access doors are to be in the east gable facing away from the adjacent housing estate. This allows the building envelope to provide some attenuation whilst the building is being accessed. As no acoustic details have been provided it is not clear how much attenuation the building envelope will provide.
- 5.9 Further should this building need to be accessed before 7am or after 11pm, times when neighbouring residents might be expected to be asleep or preparing for sleep, there may be an impact on amenity. However there are no limitations on any of the existing buildings or operations to the nearest building approved under planning permission 10/01634/FUL but restrictions on open storage and hours do exist on buildings approved under planning permission 05/01700/FUL which are further away. It is also noted that the building approved under 10/1634/FUL has an opening fronting the residential properties and therefore a building in front of this could provide some attenuation and potential enhancement in relation to the residential amenity.
- 5.10 As previously stated nearest properties on Hurns Way are approximately 50m from the application site and proposals allowing some alleviation from the activity. It is therefore considered appropriate to restrict open storage on the site and that given

the closer relationship to residential properties, operations within the building should be restricted to 0700 to 2000 hours. Noise attenuation to the building would also be secured by condition.

- 5.11 Due to the distance from residential properties, the proposal would not result in the loss of light or overshadow residential properties. It is noted that there are some floodlights on the existing buildings but there are also significant floodlights to the existing Fire Station.
- 5.12 The proposal is therefore considered not to have a material impact on neighbouring or nearby residents and are considered acceptable.

Highway safety

- 5.13 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The Highway Authority's comments are noted and considered. Further it is noted that there would be no significant impact on the ability of HGVs to turn and manoeuvre within the site so that they can exit from the site in a forward gear through the barrier controlled entrance.
- 5.14 Overall it is considered that there would be no significant or material harm to the highway network.

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 plan reference PB15/89 Revision B
 3. 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 (Hurns Way) 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. The development shall not be commenced until a detailed landscaping scheme for additional planting between the approved building and Hurns Way indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. No external lighting for security or other purposes shall be installed until full details have been submitted to and approved in writing by the local planning authority. The details shall include the number, position, height, main beam angle, spill shield details and the intensity of all lights. Lighting shall not be installed other than as approved.

6. No mechanical extraction or drying equipment shall be installed for use with the building
7. The buildings hereby approved shall not be used other than for bulk storage of agricultural commodities and non-perishable items used in conjunction with agriculture and agricultural contracting. The building shall not be used to store farm waste or other waste.
8. No plant, machinery, materials or waste products shall be stored on any part of the application site outside the building the use of which is hereby approved
9. No additional opening windows or doors shall be installed in the western, northern or southern façade of the building.
10. No operations within or deliveries to the building shall take place outside the hours of 07.00 and 20.00hours.

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 in keeping with the character of the area and to define the permission.
3. To ensure that the development mitigates noisy activity within the building to residential properties on Hurns Way.
4. To reduce the physical impact of the building and to ensure that the development is in keeping with the character of the area.
5. Having regard to the rural and agricultural nature of the area, the need to reduce light pollution and to mitigate the impact on nearby residential properties.
6. As part of the application it was confirmed that there will be no grain drying plant in the building. Such activity can be noisy and disruptive to residential properties in the vicinity. Such facilities would need to be fully justified and supported by detailed noise assessments.
7. The proposed building is not necessarily suitable for alternative commercial or waste activities due to the proximity to nearby residential properties.
8. Having regard to the rural nature of the site and the potential impact that outdoor storage and associated activity could have on an otherwise open site and the amenities of nearby residents, in particular those on Hurns Way.
9. To ensure that the activity is focused within the existing site area, to reduce the need for any additional hardsurfacing which may have an impact on the rural character of the area and to ensure that the activity from the development does not impact on nearby residential properties, in particular those on Hurns Way.
10. Having regard to the closer relationship of the building to new housing on Hurns Way and to ensure that noisy operations from the building do not impact on residential amenity.

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16/00685/FUL

Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building at Longbridge House Farm, Stillington Road, Easingwold for Grants Pro AGK Ltd.

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is a series of buildings to the south of Stillington Road opposite Easingwold Football Club and to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oakland Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature.
- 1.2 The proposals are for the conversion of several of the agricultural buildings into car sales and associated servicing and valeting of the vehicles. The site is occupied by Grants Pro Agri Ltd which services large agricultural holdings and commercial transport related to agriculture.
- 1.3 The different elements of the proposals are:
- The use of an existing portal framed building for the MOT and servicing of motor vehicles;
 - The use of an existing storage building for the storage, pre-delivery inspection, photography and valeting of motor vehicles;
 - The use of an area of the yard for the display of motor vehicles; and
 - The use of an existing office and staff room as a sales office.
- 1.4 The business operates primarily through internet trade which reduces the need for a forecourt operation. The applicant supplied the following details:
- The business employs 10 people with a possibility of a further 3 being created;
 - There are approximately 80 cars on the site at any one time with approximately 15-20 cars being sold each week;
 - A transporter delivers cars to the site approximately 2-3 times a week;
 - The site does not have an MOT licence (which requires planning permission as part of the licence) but does have plans to introduce such a facility should permission be successful.
- 1.5 The site is outside the development limits for Easingwold. The development limits follow the boundary of the Stillington Road Industrial Estate east of Oaklands Way. The use commenced in March 2015.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused). In order to ensure understanding all the history is provided below.

- 2.2 97/50445/O - Outline application for a dwellinghouse; Refused 3 March 1998.
- 2.3 97/50446/O - Outline application for an agricultural building for the accommodation of livestock; Granted 12 September 1997.
- 2.4 98/50376/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.5 98/50377/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.6 98/50378/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.7 98/50379/P - Agricultural building for the accommodation of livestock; Granted 18 December 1998.
- 2.8 00/50427/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.9 00/50428/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.10 02/00500/FUL - General purpose agricultural building for storage of feed and machinery (including weighbridge); Granted 29 April 2002.
- 2.11 03/00097/FUL - Agricultural building for storage and machinery repair purposes; Granted 21 March 2003.
- 2.12 03/01614/FUL - Retrospective application for entrance walling at front of site; Granted 16 October 2003.
- 2.13 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.
- 2.14 04/02303/FUL - Liquid waste storage tank; Refused 31 May 2005.
- 2.15 05/01700/FUL - Change of use of 2 agricultural buildings to general storage purposes; Granted 26 September 2005.
- 2.16 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006. The reasons for refusal were that the large scale and commercial nature of the proposed use were inappropriate within the rural location and were not supplementary to the agricultural enterprise.
- 2.17 06/00425/FUL - Two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.18 06/02583/FUL - Retrospective application for alterations and change of use of agricultural building to form a storage and office building; Granted 10 January 2007.
- 2.19 07/00292/FUL - Revised application (to 06/00425/FUL) for a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.20 07/01128/APN - Application for prior notification of an agricultural building for the storage of agricultural machinery; Refused 3 May 2007. This proposal was on the York Road frontage, away from the main agricultural yard, and was refused because the proposed size and siting of the building was considered to have a significant adverse impact upon the appearance of the surrounding countryside.

- 2.21 07/02214/FUL - Change of use of agricultural land to the siting of six residential caravans to be used as agricultural workers dwelling; Refused 13 September 2007.
- 2.22 08/00838/FUL - Revised application for change of use of agricultural land to the siting of six residential caravans; Refused 23 May 2008. The caravans would have been in the same position as the agricultural building now proposed under 15/02666/FUL.
- 2.23 08/00857/FUL - Revised application for a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.24 10/01634/FUL - General purpose farm building; Granted 8 December 2010.
- 2.25 10/02960/FUL - First floor extension to existing office building; Withdrawn 10 February 2011.
- 2.26 15/02666/FUL - Agricultural storage building - on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies 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 DP16 - Specific measures to assist the economy and employment
 Development Policies DP24 - Other retail (and non-retail commercial) issues
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP42 - Hazardous and environmentally sensitive operations
 Development Policies DP44 - Very noisy activities
 National Planning Policy Framework - published 27 March 2012
 National Planning Practice Guidance
 Written Ministerial Statement 31 August 2015 – Intentional Unauthorised Development

4.0 CONSULTATIONS

- 4.1 Town Council - No comment

- 4.2 Highway Authority - No objections
- 4.3 Environmental Health Officer - No objection
- 4.4 Public comment - One letter of objection stating that the additional agricultural building proposed in application 15/02666/FUL would not be required if this application is refused.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location alongside the relationship to 15/02666/FUL; (ii) the impact on neighbour amenity; and (iii) and the impact on highway safety

Principle of development

- 5.2 The site has a complex and long planning history with a range of uses approved on the site. In the Written Ministerial Statement the Government expressed concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is little or no opportunity to appropriately limit or mitigate the harm that has already taken place.
- 5.3 In this case, the proposal would use existing buildings that are well screened from neighbouring residential properties being approximately 170m from new dwellings at Nine Acres, Stillington Road and 250m from homes on Hurns Way. Whilst outside the Development Limits of Easingwold the application site is well related to the commercial development on Oaklands Way and therefore the impact on the openness and character of the area is limited.
- 5.4 The proposal includes a building that was permitted as a vets' surgery and other floor space that could be utilised for agricultural enterprise purposes. The total amount of floor space lost to agriculture and veterinary services would be 758sqm. The building proposed under application reference 15/02666/FUL would be 54.8m by 30.4m (1,665sqm) and therefore would be larger than any building lost to agriculture as a result of this proposal. (The floor space of the building proposed in application 15/02666/FUL could not be provided in the existing buildings both in terms of floorspace and the size and scale of the buildings. The existing buildings would also be awkward in relation to the operation of the site and the weighbridge due to their respective position with the weighbridge located to the rear of the site and the buildings the subject of this application principally located either to the front or side of the site.)
- 5.5 It is noted that MOT proposals were refused in 2006 for the reason that the large scale and commercial nature of the proposed use were inappropriate within this rural location and was not supplementary to the agricultural enterprise. However since that time significant development has occurred on the site and in the vicinity of the application site, with residential and commercial development in the area there has been a significant change in the character of the area since this refusal. Further the NPPF recommends support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses. In this case the site is well located and related to the existing settlement of Easingwold, with the Development Limits wrapping around the

northern and western boundaries, uses existing buildings and proximity to services and public transport are all positive considerations.

- 5.6 It is therefore considered that on balance, having regard to the positive economic benefits of job creation and other positive benefits including the effective re-use of existing buildings, the close physical relationship of the site to Easingwold, the planning history including diversification of the existing buildings, and the layout of the site and the relationship to the development boundaries, the proposals are not resisted in principle.

The Character and Appearance of the area

- 5.7 It is noted that the proposal would use existing buildings which appear akin to large commercial buildings and are designed to be used for such operations and as such can be and are being used without change to the external fabric of the building. There are also HGV movements and other commercial activities occurring elsewhere on the farm complex. Therefore the principal impact and change in circumstances would be from the parked cars for sale and whether or not this would introduce new elements that would alter the character of the area significantly different from the approved operations.
- 5.8 The parked cars would be located on a portion of the site which is away from existing main operations of the site, it is considered that the layout would not compromise the use of the weighbridge or interfere with the movements around the site associated with the agricultural operations. Further it is considered that the two businesses could therefore use the site without an alteration to the character of the area. Further cars would come and go from the site as they are sold and therefore whilst the area would remain with an element of cars on the site, this would not be uncommon with staff parking adjacent to commercial operations. Overall the car sales area is well contained and surrounded by other buildings which reduces the visual impact.
- 5.9 Whilst there has been an intensification of the use of the site, it is not considered that it has resulted in a material adverse impact on the character of the area. The proposal is therefore considered acceptable in this regard.

Neighbour amenity

- 5.10 As previously stated nearest properties at Nine Acres and on Hurns Way are a significant distance from the application site. The intervening commercial operations would reduce the impact on neighbouring properties further and there is good screening to Longbridge House. Areas of open display could be controlled by condition meaning that external operations (e.g. valeting and preparation of cars) would be limited.
- 5.11 The proposal is therefore considered not to have a material impact on nearby residents and is considered acceptable.

Highway safety

- 5.12 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The comments of the Highways Authority are noted and considered. Further it is noted that there would be no significant impact on the ability of HGVs to turn and manoeuvre within the site so that they can exit from the site in a forward gear through the barrier controlled entrance.

- 5.13 Overall it is considered that there is no significant or material harm to the highway network.

The Planning Balance

- 5.14 The application has been carefully considered against the balance of sustainable development, the significant case history and the impact of the proposal. The retrospective nature is a material consideration against the application, however physical mitigation, boundary treatment, orientation of buildings such that harm has been designed out, has already been delivered through the the development of the buildings and as such further physical mitigation is not required. It is also noted that general storage and alternative uses such as vets have been considered acceptable on the site.
- 5.15 Overall the positive economic benefits of job creation outweigh any limited harm to the character of the area and the proposals are considered acceptable. As part of the permission conditions are required to ensure that the development continues to cause no harm to the other uses on the site or cause conflict with HGVs and to ensure that car sales or storage do not encroach further into the countryside. Restrictions on the areas of sale and operation of the cars as shown on the plan are also proposed alongside restrictions on external music, valeting and servicing are also conditioned. The application is recommended for approval.

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 carried out in accordance with the details on the approved plans submitted to the Local Planning Authority on 21 March 2016.
 2. There shall be no external car sales or storage of vehicles outside the area shown as the Open Display Area hatched on the approved location plan submitted to the Local Planning Authority on 21 March 2016.
 3. There shall be no external valeting or servicing of motor vehicles.
 4. All deliveries and collections by car transporter shall take place in the area shown as the Open Delivery Area and shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays.
 5. No speakers or public address facilities shall be installed externally.
 6. No external lighting for security or other purposes shall be installed until full details have been submitted to and approved in writing by the local planning authority. The details shall include the number, position, height, main beam angle, spill shield details and the intensity of all lights. Lighting shall not be installed other than as approved.

The reasons are:

1. In order to ensure that the development is operated satisfactorily from the site and satisfactory appearance of the site.
2. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.

3. To safeguard the amenities of nearby residents and to ensure the satisfactory appearance of the site
4. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.
5. To safeguard the amenities of nearby residents
6. Having regard to the rural nature of the area, the impact of new lighting on light pollution and the amenities of nearby residential occupiers.

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16/00458/FUL

Single story extension to kitchen, garage & outbuilding and conversion of part of garage to office

**at The Nook, 80 High Street, Great Broughton
for Mr Dominic Holloran**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a two storey house with two storey rear extension. There is a stone built garage at the side, with a lean-to stone outbuilding at its rear, backing onto the two storey brick wall of a neighbouring building. The house is stone at the front and rendered and painted white at the side and rear. The side of the neighbouring house, 82 High Street, abuts the existing garage, and has a large conservatory at the rear, built off the garage wall.
- 1.2 The proposal is to make internal alterations to divide the garage to form a habitable room at the rear, to be used as a home office, and a store at the front; to form an enclosed passageway with flat roof at the side of the garage; and to construct a single storey extension (dimensions 2.2 x 2.8 metres) to the side of the current two storey extension. The proposed extension would be rendered and tiled to match the house.
- 1.3 Additional information has been submitted showing details of internal insulation to the proposed home office, updated with a further detail showing additional acoustic insulation.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/94/057/0256 - Construction of a detached domestic garage and store; Granted 8 September 1994 subject to a condition requiring the garage to be kept for the housing of motor vehicles only. The reason for the condition was:

“The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby.”

- 2.2 04/00136/FUL - Alterations and extension to dwelling; Granted 16 March 2004.
- 2.3 04/02004/FUL - Alterations and extension to existing dwelling to form conservatory (at 82 High Street); Granted 18 November 2004.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council - Great & Little Broughton Parish Council wish to refuse to recommend for approval this application based on concerns over the immediate neighbours concerns over the noise of this application. She is very concerned about the potential noise this change of use would bring to her property. The Parish Council also want it noted that the original application does not mention the use of the office as part time residential space for a relative, which was outlined to the applicant's neighbour. The Parish Council would request a condition of this space not to be used as residential space and only be used as office as application outlined. The plans are also shown incorrectly and do not show that the two properties 80 and 82 are already joined as result of a previous application proposal being approved and constructed.

Comments on the amended plans showing acoustic insulation details:

Our comments are despite the insulation, in principle the modification still turns the house next door from a detached to a semi-detached against the wishes of the resident, therefore we object. And assurances given now are no confirmation of the future.

- 4.2 Neighbours and site notice

Objections have been raised from one address regarding concerns about noise. It is stated that the existing use of the garage is very audible in the adjacent conservatory, and there is concern that additional use would disturb the peaceful use of the neighbouring house.

Comments on the amended plans showing acoustic insulation details express doubts about whether insulation will be sufficient to change the ambience of the affected house.

An expression of support has been received from one address.

5.0 OBSERVATIONS

- 5.1 The main issues are (i) design, and whether the proposal is appropriate to the existing house and the character and appearance of the Great Broughton Conservation area; (ii) any effects on the amenities of neighbouring occupiers; and (iii) any highway safety concerns arising from the loss of garaging.

Design, character and appearance

- 5.2 The roofing-in of a side passage and rear extension are appropriate to the existing house and particularly due the set back from the front wall of the house, would be inconspicuous when viewed from the street and would have a neutral effect on the character and appearance of the Conservation Area.

- 5.3 The use of the garage as proposed would not have any visual impact.

Amenity

- 5.4 The key issue to be considered is whether the use of the garage as a store and home office would expose the occupiers of the attached property, 82 High Street, to greater noise than the garage use permits. This is particularly relevant to the rear conservatory of 82 High Street, which was built off the garage wall of number 80 about ten years ago.

- 5.5 The proposed home office would be subject to insulation requirements for habitable areas under the building regulations. North Yorkshire Building Control Partnership

has confirmed that the details of the proposed 40dB sound insulation would be more effective than the 43dB required for separating walls under the Building Regulations. They also advise that conservatories are “exempt structures” and are not considered part of the habitable dwelling and therefore do not have the acoustic insulation that is normal for more solid parts of a dwelling. As such, it is to be expected that users of a conservatory might be aware of some sound, e.g. music, to a greater extent than would be the case within other rooms.

- 5.6 Whilst the affected conservatory does not enjoy full protection from noise under the Building Regulations, the higher specification acoustic insulation proposed for the home office would be beneficial in limiting the potential for noise to be heard in the adjacent conservatory. It is likely that the proposed home office would be used more regularly than the garage, but the higher specification acoustic insulation is likely to limit noise impact. The restriction of the use of the garage made in 1994 was partly justified on amenity grounds and it would therefore be consistent to consider the merits of limiting the use of the garage conversion to home office and store, as proposed. This could be achieved by means of a planning condition
- 5.7 The proposed store area of the garage has some overlap with the solid structure of 82 High Street, and some noise arising from ancillary activity there may continue to affect the neighbouring property. The applicant has expressed the intention to infill the small air gap between the properties in this part, which may produce some benefit over the existing position. However, storage should not give rise to noise, certainly not more than garaging, and a suitable planning condition can ensure an acoustic scheme which would be helpful in this respect.
- 5.8 It would not be uncommon for a domestic extension to abut the conservatory of a neighbouring property, and would not normally be considered unacceptable in terms of amenity. Particularly taking into account the benefits of introducing new insulation which would be preferable to the present situation, the proposal is considered acceptable in amenity terms.

Highway safety

- 5.9 The set-back of the garage building allows for off road tandem parking for up to two cars, and would therefore not have a harmful effect on road safety. The views of the Highway Authority have been sought, and will be reported to the Committee.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 3rd May 2016 and 10th May 2016 unless otherwise agreed in writing by the Local Planning Authority.
 3. The garage development hereby approved shall not be implemented except in accordance with a scheme of acoustic insulation previously approved in writing by the Local Planning Authority and thereafter maintained as such.
 4. The use of the garage development hereby approved shall be restricted to home office and store.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. In the interests of the amenities of neighbouring occupiers.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.

Parish: Hackforth
Ward: Bedale
12

Committee Date: 26 May 2016
Officer dealing: Mrs H M Laws
Target Date: 3 June 2016

16/00219/OUT

Outline planning permission with some matters reserved (includes access and layout) for the construction of a detached two storey dwelling at land adjacent to Village Hall, Hackforth for Mr F Iveson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the south eastern corner of the village adjacent to the Village Hall. The land covers an area of 168sqm on the corner as the roads bends to the south towards Langthorne. The site is currently a vacant paddock with timber post and rail/wire fencing to all boundaries.
- 1.2 It is proposed to construct a detached dwelling on the plot. The application is in outline form but requests approval for access and layout. There is currently no vehicular access serving the site; the amended plans propose to create a vehicular access at the north western corner of the plot adjacent to the village hall access. Visibility splays are proposed to cross the front of the village hall in a westerly direction and to cut across the front of the application site to create visibility in an easterly and south easterly direction.
- 1.3 A new boundary fence is proposed to lie along the line of the visibility splay. Landscaping is proposed along the south and east boundaries of the site.
- 1.4 The proposed dwelling is positioned towards the rear of the plot. An amended layout plan has been submitted, which proposes to site a garage parallel to the boundary with the village hall car park, set behind the front elevation of the dwelling; a parking area is proposed to the front and side of the house.
- 1.5 The new flood map has amended the site from being within flood zones 2 and 3 to zone 1, the area of least risk.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/01490/FUL - Outline application for the construction of a two storey detached dwellinghouse; Withdrawn 4 November 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
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 objection, but do have comments, to the outline planning application and wish it to be approved. At the Parish Council meeting to discuss the outline planning application the Secretary of the Village Hall Committee commented on whether noise could become an issue. The Village Hall Licence states that 'noise must not be discernible at the nearest property' and if outline planning permission is given to build the dwelling house then it would become the nearest property. In order to try and mitigate this, the Parish Council suggests that a hedge be planted on the boundary between the Village Hall and the proposed new dwelling.

Following receipt of the amended layout plan the Parish Council wish the application to be approved.

- 4.2 Highway Authority - conditions recommended.
- 4.3 Environmental Health Officer - I've assessed the additional information submitted as part of this application. I would support the amended plans. The proposed mitigation of positioning the garage between the dwelling and existing village hall would provide good acoustic screening to reduce or prevent noise travelling to noise sensitive areas. Along with the limited number of events per year, as detailed, and acoustic glazing to exposed windows - should noise on occasions be heard the impact would be minimal.
- 4.4 Environment Agency - based on the new flood map, this site is now deemed to be located in Flood Zone 1. We therefore have no comment on flood risk grounds. Based on the information submitted, we have no objection to this development.
- 4.5 Yorkshire Water - no comments are required
- 4.6 Ministry of Defence - no safeguarding objections
- 4.7 Public comment - the following comments have been received from the Trustees of Hackforth Village Hall:
- The position of the trustees in relation to this application remains neutral - the same as its position in relation to the previous application. However, I would refer you to our previously expressed concerns that Richard Smith's observations (HDC Environmental Health) on our initial submission does not seem to give any weight to the potential problems for the village hall in the event of a dwelling being built which is nearer than the current nearest dwelling. Mr Iveson understands those concerns and has been positive in his response - we would expect the Licensing and/or Planning Authorities to understand and address those concerns too.

The comments submitted in response to the previous application are as follows:

- The Trustees and Committee were made aware of the key points of the Council's recently introduced Interim Planning Guidance. Although the proposals raised several issues for a number of members, it was agreed that the Committee and Trustees should limit any comments they made to views about the impact such a

development may have on Village Hall activities. The main concern was in relation to the aspect of the Hall's Premises Licence, (issued by Hambleton District Council), that relates to noise from amplified music and sound which requires that it should not be discernible at the nearest noise sensitive premises. Currently the nearest such premises are some distance away and no problems have ever arisen. Clearly the erection of a new residential property much closer to the hall could have implications for the range of activities taking place in the hall (if the license conditions remain the same). It was agreed therefore that these concerns should be brought to the attention of the Planning Authority with a suggestion that some conditions may be attached to any planning approval so as not to restrict the range of activities for which Hackforth Village hall is currently licensed.

5.0 OBSERVATIONS

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

Principle

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but as an Other Settlement. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services particularly including services in a village nearby. Hackforth was a Secondary Village in the original CP4 settlement hierarchy but dropped just below the cut-off point in the current settlement hierarchy due to a reduction in the range of services and facilities within the village over recent years. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. Additionally, Hackforth is close to Langthorne which has a village green which adds to the sustainability of the area (Hackforth not having such a facility). The village is also within cycling distance (3km) of Crakehall where there are further facilities although this should be given

only marginal weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criteria 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 and the cumulative impact of additional development in Hackforth. Following the adoption of the Interim Policy Guidance in April 2015 outline permission has been granted for 4 dwellings on land adjacent to Brookside on the western side of the village. The proposal is for a single dwelling at the western edge of the village and would not therefore be of too great a scale. The site lies adjacent to the village hall on a prominent corner at the end of the village and would be clearly visible. The village hall currently forms the edge of the village with countryside beyond. The development of this site would provide an opportunity to round off the edge of the village and provide a landscaped edge between village and countryside. The application includes a basic landscaping scheme that would be planted along the southern and eastern boundaries outside the visibility splay. Further opportunities for review of the scheme would arise through the submission of reserved matters in respect of scale, design, materials and landscaping.

Residential amenity

- 5.6 The proposed dwelling would lie immediately adjacent to the village hall and its car park, where there may be potential for disturbance resulting from activities at the hall. The proposed layout of the dwelling has been amended in an attempt to address the concerns of the Village Hall trustees, to include a garage block running parallel to the boundary with the village hall car park. This would provide a physical barrier between the two sites, thereby reducing the potential for noise to have an effect on the residents of the proposed house. The Council's Environmental Health Officer considers this is adequate to address the issue and has no objections. No further comments have been received from the Village Hall Trustees. It is concluded therefore that the proposed development is unlikely to detract from residential amenity to an unacceptable degree and would not be contrary to LDF Policy DP1.

Other Matters

- 5.7 The previous planning application was withdrawn in November 2015 due to the positioning of the site within flood zones 2 and 3. A new flood map has superseded the details considered last year and the site is now within flood zone 1, the area of least risk. There are no objections therefore to the development of this site on the grounds of flood risk.

Highway safety

- 5.8 The Highway Authority has no objections regarding the amended plans. A large part of the application site is taken up with the visibility splay to the south east. The visibility splay would be fenced separately from the domestic garden of the plot and effectively become part of the highway verge in appearance but an adequate area of application site would remain to provide a suitable garden. The proposed visibility splay to the west goes across the front of the village hall on land that is within highway control. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

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 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 design and external 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 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. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been implemented in accordance with the approved details and thereafter retained.
 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. 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. 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.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway verge 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.
10. 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 63 metres measured along both channel lines of the major road C132 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.
11. 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/3080/01 Proposed Site Plan Rev C); 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.
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; 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.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3080/02 and HDC/3080/01C received by Hambleton District Council on 15 March and 20 April 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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. 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.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. 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.
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: Low Worsall
Ward: Appleton Wiske & Smeatons
13

Committee Date: 26 May 2016
Officer dealing: Mrs B Robinson
Target Date: 12 May 2016

16/00556/FUL

**Extensions and alterations to garage buildings to form a dwelling
at Ship Service Station, Low Worsall
for Mr Paul Neasham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Ship Service Station includes a two storey building sited on the northern side of the B1264 in Low Worsall. The existing service station includes commercial garage facilities at ground floor level, with a large garage workshop to the rear and owner's accommodation at first floor. To the side there is a single storey wing with further service station facilities and a first floor storage area. There are vehicular access and parking facilities at the front of the site. There is an access between the two parts of the building to the rear, where there is further space for parking.
- 1.2 The proposal is to replace the single storey range with a dwelling with accommodation on two floors, the first floor served by dormers and including an integral double garage on the ground floor. At the rear a domestic curtilage is enclosed from the neighbouring garage land, and an access retained to existing stables beyond. At the front a domestic curtilage would be separated off from the remainder of the forecourt. Petrol pumps are to be removed, and the tanks dealt with by infilling with concrete.
- 1.3 The proposal has the same building structure as that approved as an annexe under application 13/00912/FUL. Application 15/01306/MRC removed an occupancy condition imposed on 13/00912/FUL, allowing the extension to be occupied as part of the main dwelling or as an annexe.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/098/0016E - Extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 31 May 1991.
- 2.2 2/92/098/0016F - Revised details of an extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 4 June 1992.
- 2.3 13/00912/FUL - Demolition of existing garage buildings and alterations and extension to dwelling to form an annex; Granted 26 June 2013.
- 2.4 15/01306/MRC - Removal of occupancy restriction condition (3) on application 13/00912/FUL; Granted 12 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATION

- 4.1 Parish Council - No response received.
- 4.2 Neighbours and site notice - No observations received.
- 4.3 Environmental Health Officer - concern about potential for odours during discharge of fuel - to be brought to the attention of owners/occupiers.
- 4.4 Northumbrian Water - no comments.
- 4.5 Highway Authority – The comments note concern about visibility to east, but that usage will be less than existing. Conditions requested.
- 4.6 Scientific Officer (land contamination) – A condition is required in relation to remediation of the petrol tanks.

5.0 OBSERVATIONS

- 5.1 The site is outside the Development Limits of any settlement and the planning issues to consider are therefore (i) the principle of development in terms of the Development plan, the Council's Interim Policy Guidance Note on Development in Villages and the NPPF; (ii) the impact of the development on the character and appearance of the area; (iii) the amenity of nearby occupiers; and (iv) highway safety.

Principle

- 5.2 Low Worsall is a village without status within the Settlement Hierarchy set out in Policy CP4 as adopted in 2007, and the application does not claim to meet any of the exceptions to the principles of CP1 and CP2 set out in CP4.
- 5.3 In 2015 the Council adopted Interim Policy Guidance which reflected an update in the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy Low Worsall is designated an "other settlement".
- 5.4 The NPPF states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". The proposed dwelling would be attached to existing development and within the wider framework of the existing village. It is therefore not considered to be isolated within the meaning of the NPPF and would be supported by it, subject to other relevant policy considerations.
- 5.5 The Interim Policy Guidance states that: "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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 Low Worsall is included in the updated Settlement Hierarchy as an Other Settlement. The approach of the Interim Policy Guidance is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with adequate existing services and facilities. This can be achieved through clustering with a Service or Secondary Village or with sufficient Other Settlements to have "a good collective level of shared service provision". In every case, a cluster "is unlikely to constitute a sustainable community "if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)". Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.7 Low Worsall has facilities including a church, a village hall, and a pub and there being few facilities, it must be decided whether the addition of these facilities to those in other settlements no more than (approximately) 2km away, results in sufficient provision to constitute a sustainable community.
- 5.8 Low Worsall cannot form a cluster with another settlement in Hambleton, but is relatively close to the market town of Yarm which has a wide range of services and transport links, and to which Low Worsall is linked by a roadside footway. The historic centre of Yarm (High Street) is approximately 4.5 km distant from the site, and is therefore too far away to form a cluster with Low Worsall. However there are facilities outside Yarm centre that are closer to the application site. These include a railway station (2.8 km), primary school (2.9 km), secondary school (3km) and a service station and small shopping centre, including a supermarket, at the A67 junction (approximately 3.4 km).
- 5.9 In support of the application, the applicant puts forward evidence about the facilities in Yarm, as set out above, and draws attention to the availability of surfaced footpath and cycleway links between the settlements. The supporting evidence draws attention to the range of activities in the village hall, illustrated by a link to the village hall website, which shows a wide range of classes and activities which take place regularly at the village hall, and the quality of the facilities there. However, the classification of settlements within the Hierarchy is based on the facilities, not their popularity or quality.
- 5.10 The services available in Yarm are significantly beyond the approximate 2 km maximum distance set out in the Interim Guidance. Overall therefore, while there are useful facilities in Yarm, under the terms of the Interim Guidance, they cannot be taken into account to enhance the sustainability of Low Worsall, and the proposal is not therefore in accordance with the criteria of the Interim Policy Guidance in these terms.

Character and appearance

- 5.11 As a single additional dwelling the development would be small in scale and as an addition to an existing building, it would have little effect on the form of the village, and has previously been approved in this form, although as an annexe. The proposed development would have a slightly smaller footprint than the existing extension. It would have a higher ridge but would be of a similar character overall and therefore would reflect the existing form and character of the village.
- 5.12 The site is within the curtilage of an existing property and the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church, nor would there be any harm to the open character of the surroundings.
- 5.13 The proposed building is of the same size as the previously approved scheme but it would be likely to be occupied more intensively as an independent dwelling. It would therefore place greater demands on infrastructure but there is no evidence to suggest that the infrastructure cannot support it.

Amenity

- 5.14 The proposed dwelling is aligned with the existing garage/flat building and there would not be any significant harm to the amenities of adjacent occupiers. The proposed curtilage provides for a reasonable standard of private amenity space at the rear. The scheme proposes to remove petrol pumps and infill fuel tanks and by means of a suitable condition to ensure correct remediation, the potential for harm arising from that source would be avoided.

Highway safety

- 5.15 The curtilage has relatively generous scope for off road parking, and its separate occupation would not raise concerns about highway safety. The submitted details demonstrate scope for turning within the site to exit in a forward gear. The frontage remaining under the control of the garage would be approximately 13 x 23 metres with adequate scope for customer and resident parking, particularly taking account of the additional parking areas at the rear of the building. The Highway Authority does not object to the proposal and overall it would not be harmful to road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal represents unsustainable development on a site outside of the Development Limits of Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The location of the proposed development is also insufficiently sustainable to benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

16/00423/FUL

**Alterations and extension to dwelling to create addition bedrooms and dining room
at 1 Sladeburn Drive, Northallerton
for Mr & Mrs P Schofield**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 1 Sladeburn Drive is a detached bungalow located within a predominately residential area characterised by bungalow development, some of which have accommodation in the roof space.
- 1.2 Planning permission is sought for alterations and an extension to create an additional bedroom and dining area. The roof height of the building would be raised by approximately 2m to allow for bedroom and bathroom accommodation at first floor level. The lobby and coal shed to the south west elevation would be demolished and replaced with a single storey dining area measuring 4.7m x 2.7m. The proposal has been amended to reduce the dormer massing by separating the volume into two elements. The entrance porch is high enough to create head height over the stair quarter landing, with a standard dormer to give light at first floor level.
- 1.3 Fenestration would include two double doors and a single window to the north east elevation, two single windows and a central double height window to the north west elevation, two double openings and a single storey window at first floor to the south west elevation and a single window and single roof-light to the south east elevation. Materials would include timber cladding, polycarbonate roof to the extension, and timber fenestration.
- 1.4 The site is bounded by a mixture of low fencing and hedging and slopes up from south to north.

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 CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Highway Authority - No objections subject to conditions.
- 4.2 Town Council – Development will block out views, recommend refusal.

4.3 Public comment - A total of 15 objection letters have been received from 8 individuals and are briefly summarised below:

- Overlooking issues due to the increase in height;
- Turning bungalow into a house;
- Building work will clutter up the street;
- Not in keeping with the area;
- Development not within the building line;
- Plot too small for the works;
- Development will break the skyline;
- Loss of bungalows from the housing stock will have a detrimental impact on the availability of suitable older person housing;
- Development will result in increased rainwater runoff;
- Site is elevated and surrounding properties share roof heights;
- Along with current garage alterations, the scheme is an over-development of the site;
- A bat survey should be conducted if the roof is to be removed; and
- If approved work times should be restricted to protect amenity.

4.4 One letter of support has been received, summarised below:

- Proposed extension is attractive and will complement and enhance the area; and
- The development will provide suitable accommodation for a young family.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed alterations on (i) the visual amenity and the character of the surrounding area and (ii) any impact on residential amenity and (iii) highway safety.

Visual amenity and character

5.2 The proposed extension has been designed to appropriately respect the general design and appearance of the original bungalow. The dwelling is set within a comfortable sized curtilage, measuring 35m x 16m. Although the extensions are relatively substantial they do relate appropriately to the scale of the existing dwelling and are proportionate to the plot size.

5.3 The proposed development would result in a building approximately 2m higher than the neighbouring dwelling, which would create a more dominant development form on this corner plot. However, this is not considered to be detrimental to the overall streetscape or character of the area. Whilst the area is typified by bungalow development there is no reason in principle why variations in building height cannot be accommodated.

5.4 It is considered that the introduction of a large entrance and dormer window would be no more intrusive in the street than the bungalow in its current state. Overall it is considered that the works are an improvement to that of the existing dwelling and would upgrade the look of the dwelling and introduce more sustainable materials.

5.5 The rendering of the main dwelling, particularly the front elevation, would, if it is considered, improve its appearance by creating a simpler, more uniform front elevation.

Residential Amenity

- 5.6 Neighbouring properties are located 29m away to the west, 26m away to the north east and 21m away to the south west. All are considered acceptable distances not to significantly affect privacy or amenity. The neighbouring property at no, 10 Hutchinson Drive, is located approximately 5m away. Glazing on this elevation is currently present in the form of three large windows. The proposed development is not considered to impact on neighbour amenity to any significant degree.

Highway safety

- 5.7 The Highway Authority has raised no objections to the scheme. As such the development is considered to have no detrimental impact on road safety.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2015-PSS-03B + 2015-PSS-05B received by Hambleton District Council on 08 March 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. 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 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; and (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;
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of

wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
4. In accordance with the policy 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.
5. In accordance with the policy 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.
6. In accordance with the policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Parish: Northallerton
Ward: Northallerton South
15

Committee Date: 26 May 2016
Officer dealing: Mrs T Price
Target Date: 12 February 2016

15/02817/FUL

**Change of use of commercial building to a dwelling
at 88B High Street, Northallerton
for Mr G Farooq**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is for the conversion of a building, formerly approved (although the permission was not implemented) as cafe premises, to form a single storey two-bedroomed flat off the southern side of Tweddles Yard at the rear of 88 High Street, a grade II listed building. Whilst the element of the building which comprises this application is of modern construction it is attached to the listed building and, consequently, a concurrent application for listed building consent has been submitted and is reported under reference 12/01671/LBC.
- 1.2 The footprint of the building remains unchanged and the external alterations are limited to the reduction in size of the two shuttered windows by infilling with matching brickwork and two low level roof lights, rendered walls and soft landscaping to the front entrance. The building has openings only onto Tweddles Yard and has a small yard area adjoining, which provides for bin storage. There is pedestrian access to the site only from The High Street with a vehicular access for emergencies and servicing available from Elder Road where the closest neighbour to the site is the British Legion Club premises. Approval has been given for the conversion of neighbouring property to the north to residential use, and the conversion of the building to the east to residential use. The building to the west is a public house and yard.
- 1.3 A site notice has been posted at the entrance to the site. The agent has been advised that a Listed Building Application is required.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/00197/FUL - Change of use of retail premises to hot food takeaway; Refused 2 April 2008, Appeal Dismissed 6 January 2009.
- 2.2 10/01160/FUL - Change of use of retail unit to coffee house; Granted 13 July 2010.
- 2.3 12/01670/FUL - Change of use of coffee house to a dwelling; Refused 2 January 2013, Appeal Dismissed 1 August 2013. The reasons for refusal were:
1. The location and orientation of the building, the restricted light available, together with the lack of useable private amenity space are such that the creation of a residential unit would be contrary to the provisions of Local Development Framework Policies CP1, DP1 CP17 and DP32 which seek to ensure that all developments make provision for the basic amenity needs of residents and that the design is of the highest quality.
 2. The site is in an area that suffers from anti-social behaviour that would detrimental to the amenity and safety of occupiers of the proposed dwelling and the proposal is therefore contrary to the National Planning Policy Framework, particularly paragraph 58 and the Local Development Framework Policies CP1, CP17, CP20, DP1 and DP32.

3. In the absence of a mechanism to deliver the necessary open space infrastructure detailed in Local Development Framework Policies CP19 and DP37 and the Open Space, Sport and Recreation Supplementary Planning Document the proposal is in breach of the aforementioned policies as it will fail to provide the required standard of provision to meet the demand resulting from the development.

2.4 14/01004/FUL - Retrospective application for the change of use of a retail unit into an apartment; Granted 16 April 2015. (This site is immediately opposite the application site on Tweddles Yard.)

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP20 - Design and the reduction of crime
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and travellers' sites
Development Policies DP13 - Achieving and maintaining the right mix of housing
National Planning Policy Framework

4.0 REPRESENTATIONS

4.1 Northallerton Town Council – approve.

4.2 Highway Authority - No objections.

4.3 Environmental Health Officer - The proposed residential dwelling is situated to the rear of the High Street in Northallerton and is therefore immediately adjacent to commercial premises, including an Indian restaurant and takeaway (Lion of Asia) and a public house (Black Bull). The Environmental Health Service has received several complaints from existing residential dwellings in recent years of noise arising from the use of these, and other, commercial premises in the vicinity including:

- Noise from shop radio, November 2014;
- Noise from burglar alarm, November 2013; and
- Noise from loud music, May and July 2014.

The proximity to commercial premises may also subject a residential dwelling to noise from deliveries and customers' voices (laughing, shouting etc.), particularly in the evenings and into the night when preparing or trying to sleep.

The Environmental Health Service considers a change of use from commercial to residential dwelling has the potential to adversely impact on the amenity of any future resident due to noise associated with the use of neighbouring commercial premises and therefore recommends the application is refused.

4.4 Internal Drainage Board - No observations.

4.5 Police Architectural Liaison officer - have noted the email report from Environmental Health and I would agree with the comments made in respect of noise nuisance from

surrounding commercial premises. This will undoubtedly affect the amenity of any residents of this proposed dwelling and could result in conflict or tension requiring an on-going demand for police and environmental health services. This would not be acceptable. (Details in response from 2012 still stand.)

4.6 Public comment - No representations received.

5.0 OBSERVATIONS

5.1 The site is within the urban area of Northallerton and residential use is therefore appropriate in principle. The acceptability of the proposal therefore turns on (i) the type and size of dwelling proposed and the need for such units in this location; and (ii) residential amenity.

Type and size of dwelling

5.2 Policies CP8 and DP13 seek to make provision for a wide range of housing types and sizes related to the needs of local communities and residents. Small (i.e. one and two-bedroomed) properties for young people, couples and elderly people, particularly single storey, within town centres are encouraged.

Residential amenity

5.3 Policy DP1 states "All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision of an adequate level of open space for the use of occupants/users of the development."

5.4 The building only has a north facing frontage, onto the footway known as Tweddles Yard which is in the order of 3m in width at this point and faces onto a two storey building opposite. It is considered this would have an overbearing and oppressive impact on the occupiers of the proposed dwelling, even with the two additional roof lights proposed. Additionally the proposed dwelling would back onto the service yard to the rear of the adjacent public house which is likely to cause a loss of amenity through general noise and disturbance.

5.5 It is considered that the current application is materially different from the detail of application 14/01004/FUL for the site immediately opposite on a number of grounds. Firstly that the adjacent site faces onto a single storey building, resulting in a less overbearing relationship, secondly that the property is south facing and as such benefits from better natural daylight and finally that the current application backs onto the neighbouring Public House service yard.

5.6 The potential bin storage area and the outdoor space attached to the building are not accessible directly from the building and would not, realistically, provide a basic 'sitting out' area for occupiers. Policy DP32 states that the design of all developments must be of the highest quality and should seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness. The proposed dwelling does not achieve the minimum standards of amenity required by the LDF or NPPF policies and is a poor standard of design.

5.7 As reported in section 3, a previous application for residential use of this property was refused by the Council and dismissed on appeal. The inspector stated: "No information has been submitted which would demonstrate that alternative uses of the

building have proved not to be viable. Even if this could be demonstrated, the harm caused to the living conditions of future occupiers in the proposed scheme would be of over-riding concern and I conclude that, for this reason alone, the appeal should be dismissed.”

5.8 In submitting the current application the applicant has sought to address the amenity issues through the addition of roof windows.

5.9 Consultations on previous proposals for the site (application 12/01670/FUL) with the Police Architectural Liaison Officer have revealed that Police records have shown regular anti social behaviour disturbances in the immediate area of this site and concern was expressed that the narrow and indirect access to the premises, poor lighting and proximity of drinking venues would attract people to congregate and remain longer than might otherwise be the case, circumstances which are likely to encourage more anti social behaviour to the detriment of the amenity and, potentially, safety of occupiers of the premises. The earlier response on a nearby application in 2011 stated:

"A key consideration must be the rear alleyway which hugs the site's building shell and links Elder Road to the High Street. There is clear evidence here of target hardening measures already applied in the form of shutters and grilles. The alleyway is dark, narrow and uninviting and has the potential, running alongside a residential development, to act as a crime generator and a 'honey pot' where the anti-social will gather. It is recommended that this private alleyway is gated to prevent casual intrusion at the site and it must be considered that re-development of the site offers a perfect opportunity to do this. (The alley is a public right of way and has not been gated.)

Community safety in respect of pedestrian links falls into two categories. The first is that properties and their perimeters which adjoin footpaths are susceptible to crime and vandalism and the second is personal safety, which includes risk or fear of assault. Additionally footpaths with links to adjacent properties can provide easy escape for persons having committed crimes.

Nowhere is this more evident than elsewhere in Elder Road. The alleyway linking Elder Road with the High Street has suffered from high levels of crime and anti-social behaviour for years and seriously affected the quality of life of the resident and businesses adjacent to the alley."

5.10 The Environmental Health Service has received complaints in the past relating to noise issues at the site. The Environmental Health service considers a change of use from commercial to residential dwelling has the potential to adversely impact on the amenity of any future resident due to noise associated with the use of neighbouring commercial premises and therefore recommends the application is refused as the scheme would not be in accordance with policy DP1 of the Local Development Framework.

5.11 Consequently, notwithstanding the sustainable location and scale and form of the building it is considered that due to the specific location of the building and its relationship with adjacent buildings and uses, the adverse amenity and safety issues identified above justify refusal of planning permission.

6.0 RECOMMENDATION

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

1. The location and orientation of the building, the restricted light available, together with the lack of useable private amenity space are such that the creation of a residential unit would be contrary to the provisions of Local Development Framework Policies CP1, DP1 CP17 and DP32 which seek to ensure that all developments make provision for the basic amenity needs of residents and that the design is of the highest quality.
2. The site is in an area that suffers from anti-social behaviour that would be detrimental to the amenity and safety of occupiers of the proposed dwelling and the proposal is therefore contrary to the National Planning Policy Framework, particularly paragraph 58 and the Local Development Framework Policies CP1, CP17, CP20, DP1 and DP32.

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16/00470/FUL

Proposed extension to create a granny annex and construction of a new house at The Croft, South Back Lane, Tollerton for Mrs M Hardy

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Croft, South Back Lane, Tollerton is a modern detached dormer bungalow which sits in the south western portion of its plot with a concrete base of a former agricultural building on the other half of the plot. Established shrubs form the south-western boundary of the application site. The front (south-eastern) boundary is formed of a mature hedge. The north-east and north-west boundaries of the site are delineated by a 2m high close boarded timber fence.
- 1.2 The application is in two parts. First, an extension to the north-eastern side of the Croft to form a new annexe. This would extend the Croft to the side by 5.8m with the first floor including new dormer windows to the front and rear of the property. Second, a two-storey, five-bedroom detached dwelling with an associated garage and utility room. Access to the new dwelling would be from a private drive, constructed of loose stone, leading to Main Street to the north. The main body of the house would measure 13.6m by 8.6m with the garage and utility measuring 6m by 6.6m. The new dwelling would be approximately 2.5m from the extended The Croft at the narrowest point rising to approximately 3.5m at the widest point.
- 1.3 Tollerton is a Secondary Village in the Hambleton Sustainable Settlement Hierarchy. Development Limits wrap around the Croft and therefore the proposed annexe would be within Development Limits whilst the proposed new dwelling would be outside.
- 1.4 The site is within the Tollerton Conservation Area, which extends to South Back Lane.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01148/OUT - Outline application for the construction of a dwelling with attached garage and formation of vehicular access; Refused 26 January 2015.

The application proposed vehicular access from South Back Lane. The sole reason for refusal related to the harmful impact that access would have on highway safety as South Back Lane is substandard in terms of its width, alignment and visibility at the junction with Newton Road. It was therefore considered unsuitable to cater for the traffic that would be generated by an additional dwelling.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Tollerton Parish Council - No comment received.

4.2 Highway Authority - No objection. The Local Highway Authority has previously recommended refusal of an earlier application that used South Back Lane to serve a new dwelling. This application proposes the new dwelling to be served from Main Street and this overcomes that earlier concern. It is also proposed to construct an annex to the existing dwelling and provided this remains ancillary to The Croft then the Local Highway Authority would offer no objection. Conditions related to parking and turning areas, mud on the highway and construction management are recommended should planning permission be granted.

4.3 Environmental Health Officer – No objection

4.4. Public comment - 7 letters of objection have been received. The grounds of objection are:

- The strain on village amenities including sewerage, water and electricity;
- Previous refusal;
- Additional traffic on South Back Lane;
- Traffic and safety on Main Street - access is narrow and the splay at Main Street is insufficient;
- The size of the new dwelling is disproportionate;
- The proposal is not in keeping with the Conservation Area;
- The Proposal would harm the amenities of neighbours, in particular The Saddlery and The Granary;
- Insufficient detail within relating to landscaping and boundary treatments;
- It would set a precedent for other developments;
- The annexe is two-storey, which would be inappropriate for elderly people; and
- Ownership of the private access drive being in dispute - there are registered disputes in land title ongoing

4.5 One letter of support has also been received, stating:

- The proposed extension would seem to make perfect sense;
- The provision of a variety in the housing stock of the village plays an important part in maintaining the viability of local services such as the village pub and shop;
- The existing land is largely concreted over and serves no useful function; and

- Use of the existing drive in Manor Close would also remove any objection based on the grounds of increased traffic in South Back Lane.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) flooding and drainage; and (v) the likely highway impact and parking provision. Some objectors have raised civil matters that are not material to the planning decision but which are explained below.

The principle of development

- 5.2 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".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District.
- 5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. As stated the site is adjacent to Development Limits with only the proposed annexe being within them. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. The hard surface of the former agricultural building is also noted. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site. Other sites off South Back Lane were supported on appeal due prior to the adoption of the IPG to the close relationship of those sites to the form of the village. Notwithstanding the history each case must be treated on its own merits and the circumstances of each site.

The character and appearance of the Conservation Area

- 5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133

and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.6 The Croft is an unusual building in the context of the Conservation Area, being set back from the road frontage and of a scale that is uncommon with dwellings and their associated buildings being either single storey or full two storeys. That said the extensions to the Croft to form an annexe would be in keeping with the character, style, scale and mass of the existing property. However the detail of the proposed fenestration does not align with the ground floor windows as in the existing house and lengthening the house would alter its character. Whilst an amended annexe may prove to be acceptable, the annexe as submitted therefore would not be acceptable in principle, would not preserve or enhance the character of the Conservation Area.
- 5.7 The proposed dwelling would be a full two-storey proposal. This is considered to reflect the character and appearance of the Conservation Area in general but the proposal needs to be considered in terms of relationship with neighbouring properties and the impact it would have on them and the overall character of the site.
- 5.8 It is noted that the planning application 14/01148/OUT was not refused on character grounds, so its layout was considered acceptable. The dwelling under consideration is now set in line with The Croft and closer to the boundary with the Saddlery and would be larger than previously proposed. The previous application indicated a two-storey building positioned forward of The Croft and set away from the boundaries.
- 5.9 Because of the change in access since the previous application, the proposed dwelling would face the Saddlery rather than echoing the character of the Conservation Area and facing the street. For this reason, and with no pedestrian access to South Back Lane, the proposal would not relate well to The Croft and would present a rear elevation to South Back Lane which would be out of keeping with the frontage character of development in the village.
- 5.10 The scale of the proposed dwelling also raises concern. It would be approximately 1.75m higher than The Croft and positioning the building towards the rear of the site would be uncharacteristic. Further the scale, bulk and mass of the building would appear substantial in comparison to the neighbouring building of The Croft. Whilst the proposed dwelling seeks to replicate features of the surrounding area, specifically bay windows and architectural detailing on Little Grange, which fronts Main Street, the overall design, scale and mass are not compatible with the neighbouring property, The Croft.
- 5.11 Cumulatively, the proposal introduces a significant element of building to South Back Lane, with little gap between the extended Croft and the new dwelling. This would also be out of keeping with the character of this part of the Conservation Area.

Residential amenity

- 5.12 Careful consideration is required to the amenities of The Croft and the Saddlery in particular. There would be reasonable separation from other properties. The extension to The Croft can be considered acceptable as a continuation of the existing relationship with neighbouring properties and whilst this would extend the bulk and mass of The Croft, it is not considered that it would generate significant harm to neighbouring amenities from loss of light, privacy or overlooking to warrant a refusal on residential amenity grounds.
- 5.13 As previously stated the relationship of the new dwelling to the Croft would be awkward. Further the relationship with The Saddlery would be unusual; the dwelling

would be set off the boundary, with limited first floor windows and at an oblique angle to the views from the existing properties.

- 5.14 On balance, although there would be a significant change to the outlook from neighbouring properties, it is considered that the proposal would not cause harm to the amenities of the neighbouring occupiers that would justify a refusal of planning permission.

Flooding and drainage

- 5.15 At present the application site is hard surfaced and therefore the proposal would improve the on-site drainage situation by removing hard surfacing. It is therefore considered that the proposal would not cause significant harm in this regard and that a suitable scheme could be secured by condition should planning permission be granted.

Highway impact and parking provision

- 5.16 The concerns of residents and the grounds of the previous refusal are noted. The current proposal would now access Main Street via a private drive. Whilst the Highway Authority has yet to offer comment, it is noted that although the private drive is narrow at the access point, there would be sufficient space within the property to turn and exit the property. An additional property using the drive is not considered to be significant to the characteristics of the junction and measurements have demonstrated that reasonable visibility would be available up and down Main Street. The proposal would not cause a severe impact on highway safety.
- 5.17 The proposed annexe would increase traffic on South Back Lane. However, it would be occupied as an extension to The Croft and use the existing access point. Therefore the proposals would be unlikely to increase the amount of traffic from the site or alter the access. Ensuring that the annexe remains ancillary to The Croft would therefore be crucial in consideration of the matter of highway safety and that any separate highway impact from a new dwelling either via a new access or the existing access can be considered in relation to its impact on highway safety.
- 5.18 Therefore, on balance and taking account of all matters, it is considered that the proposal is acceptable in highway terms.

Civil matters

- 5.19 As indicated in paragraph 5.1, civil matters should not influence planning decisions. It is noted that neighbouring residents have raised questions about the ownership and maintenance of the private drive. However, the applicant has submitted title deeds and information pertaining to the ownership of the private drive to support the declaration of ownership in the application and this issue does not warrant further consideration by the planning authority. A grant of planning permission would not convey private access rights.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed dwelling, by reason of its scale, mass and relationship to the street scene, and design would fail to preserve or enhance the character and appearance of the Conservation Area, jarring with the existing property of The Croft and being overly dominant to South Back Lane to the detriment of the Conservation Area. The

proposed extensions to form an annexe would fail to deliver a quality of development that would preserve the character and appearance of the Conservation Area. The proposed conflict between the public and private realm and presenting a secondary elevation to South Back Lane and for these reasons would be contrary to the aims and principles of securing high quality design. The cumulative impact of the development would introduce a form and bulk of continuous development that would be out of keeping with the spacious and open nature of this part of the Conservation Area and South Back Lane. As such the proposal is contrary to policies CP1, CP4, CP16, DP1, DP10, DP28, DP32 of the Hambleton Local Development Framework and the Council's Interim Policy Guidance as well as the aims of the National Planning Policy Framework to secure high quality design and preventing harm to heritage assets.

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
17

Committee Date: 26 May 2016
Officer dealing: Mrs B Robinson
Target Date: 1 March 2016

16/00033/FUL

**Construction of a dwelling
at land adjacent Dabs Bank, West Rounton
for Mr Gary Cunningham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot of land with dimensions approximately 11 x 22 metres, forward of a house known as Dabs Bank, and formerly part of its garden. The plot is bounded by a low fence at the road side and on the north and south boundaries and by a close boarded fence and leylandii hedge on the boundary with Dabs Bank.
- 1.2 Dabs Bank is set back approximately 30 metres from the roadside. It is mainly two-storey with a forward-projecting single storey wing and a conservatory in the L shape formed by the front wing. Dabs Bank retains its own drive, on the south side of the proposed plot. The adjacent house to the north, Ashcroft is set back approximately 22 metres from the road. In the front garden of Ashcroft there is a mature tree, positioned approximately 4 metres from the boundary. The tree is the subject of a Tree Preservation Order 1995/08. In this vicinity, on each side of the road, the land slopes upwards from the road.
- 1.3 The proposal is a two storey dwelling with first floor rooms partly in the roof space, served by dormers on the front roof slope, and a two storey wing at the rear. The house is positioned fronting the village street. The proposed materials are suggested to be render, with a slate roof. The submitted details show the house set into the sloping ground of the site.
- 1.4 As amended the house has a single storey addition to the rear wing. A single storey utility room, formerly proposed on the north side is now omitted.
As amended two off-street parking spaces are provided at the front of the house and a drive formerly proposed on the north side of the house is omitted.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/00348/OUT - Outline application for the construction of a dwelling; Refused 6 April 2010, Appeal Dismissed 5 August 2010.
- 2.2 15/00848/OUT - Outline application for a dormer bungalow; Withdrawn 26 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

- 4.1 Parish Council – expiry 02.02.2016 No comments received.
- 4.2 Highway Authority – No objection as amended with parking to front, conditions requested.
- 4.3 Northumbrian Water - no comments.
- 4.4 Public comment -

Objections:

- Harm to tree
- Loss of privacy and sunlight
- Plot cramped
- Visibility and parking concerns.
- Precedent on other frontage plots
- Size of plot not as described.
- Access to services (to nearby property) from site.
- (Following amendment) concerns about number of amendments and timing of re-consultations. Increase in number of windows. Harm to outlook and shadowing to garden, not subservient to host house. Concerns about potential harm to ash tree, and pressure to cut back.

Support:

- Tidying vacant land an enhancement to the village.
- Village has a mix of building types at present.

5.0 OBSERVATIONS

- 5.1 The main planning issues to consider are (i) the principle of development; (ii) the likely impact on character and appearance of the village and the countryside; (iii) residential amenity; (iv) the protected tree; and (v) highway safety.

Principle

- 5.2 West Rounton is not included in the Settlement Hierarchy contained in CP4 in the adopted Core Strategy, therefore a dwelling in this location would not accord with the Development Plan unless it could benefit from one of the exceptions set out in policy CP4, which is not claimed in this case.
- 5.3 In 2015 the Council adopted an Interim Guidance Note which updated the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy West Rounton is included as a secondary village.
- 5.4 The NPPF states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.5 There is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in accordance with other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.
- 5.6 The Interim Policy Guidance criteria are: "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.7 West Rounton has the status of a secondary village and within the terms of the Interim Guidance it is considered to be a sustainable settlement.
- 5.8 As a single house, the proposed development is small in scale. The built form of the village is mainly linear, with some back-land development mainly on the west side of the village. On the east side of the village the historic pattern is linear, with houses set back at various distances from the street. The proposed house would be the forward dwelling of a tandem pair and whilst the built form of the village does not include tandem development as a matter of course, in this case the site is natural infill, and fits well with the form of the older property to the south, and reflects the historic form of the village.
- 5.9 The site is within the main part of the village and will not lead to the coalescence of settlements.
- 5.10 There is no information to suggest that it could not be accommodated with the capacity of the local infrastructure.

Character and appearance

- 5.11 In terms of design, the siting reflects that of the traditional house to the south. West Rounton has some housing well set back from the road, particularly modern development, to the north of this site. Older development to the south of this site tends to be less set back. Overall the proposed position of the dwelling fronting the street with a modest set back accommodating car parking is sympathetic to the character of the village. The proposed cottage style is in-keeping with a small house in a village centre location.

Residential amenity

- 5.12 With regard to the amenity of local residents, the plan indicates that there would be separation of approximately 19 metres between the two storey gable elevation of Dabs Bank and the two storey element of the proposed house, which would usually be considered acceptable in terms of amenity. There would be some oversight from

the first floor of the new house towards the patio and conservatory area of Dabs Bank, and the applicant has agreed to a scheme to provide obscure glazing on the first floor window of the rear wing, which would help reduce the impact. A certain amount of overlooking towards neighbouring gardens is a common feature in residential areas and is not considered to justify refusal on this basis.

- 5.13 Ashcroft, to the north of the site would be approximately 10 metres away at the nearest point but due to the offset location and the raised position of Ashcroft, the proposed house would not have an unacceptable effect on amenities there. North facing windows on the proposed house serve bathrooms, WC and utility rooms, and would not result in overlooking towards the front garden of Ashcroft, which is in any event, in public view. The adjacent house to the south, Moss Cottage fronts the street and is separated by the intervening drive and has a gable elevation towards the site and will not be harmfully affected.

The protected tree

- 5.14 A tree report submitted with the application suggests that the proposed construction (as submitted initially) would affect less than 5% of the total root protection area and subject to a suitable arboricultural method statement (provided) the tree will not be harmed. The arboricultural method statement indicated that protective measures will be required for work during construction (principally the drive) and 'no dig' measures to be used in this location. Foundation construction details have been provided, which show measures to protect the building from the effects of the tree.

- 5.15 An arboricultural consultant was commissioned to give an independent view on behalf of the Council. The consultation response accepted the applicant's professional tree survey report (apart from a higher value given to the amenity value of the tree) and drew attention to lack of detail for no-dig construction method for the drive, potential harm arising from construction of the northern utility room, and future pressure to cut back the crown of the tree due to overhang of the utility room. The report recommends that:

"The root protection area is taken as a no build zone which means that, in this design, the utility room should be removed and left as soft landscape. There would then be no root severance by the construction of the house's footprint, and there would be some distance between the proposed dwelling and the crown of the ash tree".

As the applicant has taken this advice, the result is that the amended scheme will protect the health and longevity of the tree.

Highway safety

- 5.16 The initial response of the Highway Authority drew attention to the limited visibility due to the neighbouring hedge on the north side. As amended the proposal has off-street parking in front of the house and this issue is overcome. On this basis the proposed scheme would not be harmful to highway safety.

6.0 RECOMMENDATION

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered GC/002 Rev A received by Hambleton District Council on 10 May 2016 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
7. 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.
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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following: (i) The crossing of the footway shall be constructed in accordance with the approved details and Standard Detail number E6; and (ii) The final surfacing of any private area shall not contain any loose material that is capable of being drawn on to the existing public highway.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number GC/002 rev A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
11. The dwelling hereby approved shall not be occupied except in accordance with a scheme to provide for obscure/non-opening glazing to the rearmost first floor window on the east elevation.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. In accordance with policy CP2 and DP4 and in the interests of highway safety
8. In accordance with policy 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 policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
10. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
11. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.

Parish: Whorlton
Ward: Osmotherley & Swainby
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Committee Date : 26 May 2016
Officer dealing : Mrs B Robinson
Target Date: 3 May 2016

16/00444/OUT

**Outline application for planning permission with some matters reserved (access) to construct a single dwellinghouse.
at The Paddocks Swainby North Yorkshire DL6 3AU
for Mr John Swales.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot with dimensions of 55 x 20 metres, located on the north side of the A172. The site lies to the rear of a commercial building, with blockwork lower walls and timber upper parts. The site is set down from the road, with a short sloping access, which is partly shared with the adjacent field entrance and has been recently widened and concreted. There is a footpath along the road frontage. The site is hedged on the east, north and west sides, and abuts open countryside to the north and west sides.
- 1.2 The existing building on the site is in use for self-storage and the permitted use on the site includes storage of builder's materials at the rear of the building.
- 1.3 The proposed site lies partly in the area previously shown as turning for the builder's storage area, and partly in an otherwise neutral use where topsoil has previously been mounded.
- 1.4 Eastwards from the site there is a further agricultural style building immediately adjacent, and a group of smaller sheds beyond. Further eastwards there is a thin scatter of houses along Gold Hill Loop road, which extends northwards from the crossroads of the A172 with Swainby village road.
- 1.5 The site and other nearby development lies opposite the village of Swainby, which is within the boundaries of the North York Moors National Park. Swainby has facilities including primary school, shop and pubs. The centre of the village is approximately 400 metres from the site.
- 1.6 The proposal is outline consent for a single dwelling, with access to be considered. Indicative details are included showing a dormer bungalow, and detached garage.

2.0 RELEVANT PLANNING HISTORY

- 2.1 04/01297/FUL Change of use of existing agricultural building to a builders store and workshop. Granted 09.09.2004
- 2.1 07/01383/FUL Construction of a storage building. Granted 09.07.2007
- 2.3 13/02269/FUL - Change of use of buildings and land from general storage for building company to a mixed use of workshop/storage for plant hire and general storage for building company, and alterations to existing access. Granted 09.05.2014
- 2.4 15/01072/FUL - Change of use of part of the site to self-storage facility, remainder of site to remain as general storage for building company. Granted 22.07.2015

3.0 RELEVANT PLANNING POLICIES:

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

4.0 CONSULTATIONS

4.1 Whorlton Parish Council - Parish Council support this application.

4.2 Neighbours and site notice - Observations received

Object

- Outside development limits
- Danger crossing road and pressure for crossing.
- Drainage to a ditch.
- Not contiguous with Swainby.
- Previous complaints about neighbouring business, and concerns about future intentions.

Support

- Support - excellent use of land and much needed housing.
- Will support services in the village including shop school and pubs. Existing families on the Gold Hill Loop road.

4.3 NYCC Highways - conditions requested.

4.4 Northumbrian Water - no comments to make.

5.0 OBSERVATIONS

5.1 The site is outside development limits of any settlement and thus would be contrary to the principles of sustainable development (CP1 and CP2) and the issues to consider are whether the proposal can be considered as an exception to CP1 and CP2 under CP4. If not, it can be considered whether the proposal would be acceptable under the Interim Policy Guidance adopted by the Council in 2015 and which updates the settlement hierarchy and provides for a more flexible consideration of new development at the edge of settlements, and other relevant policies of the Local Plan including design (CP17 and DP32), amenity of neighbours (CP1 and DP1) together with any issues of highway safety.

5.2 CP4 provides for exceptions where necessary to meet the needs of an enterprise with an essential need to locate in the countryside. The supporting statement points out that the applicant is the owner of the existing businesses and there would be benefits for security and sustainability to locate on the site. However, the business does not have an essential need to locate in the countryside and it has not been demonstrated that the house is necessary to the running of the business to an extent that would justify a dwelling in this otherwise unacceptable location.

5.3 The proposal is not for affordable housing or necessary to secure environmental improvement and would not meet any of the other criteria of CP4, and is not an acceptable exception to the policies of CP1 and CP2.

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

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

3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.5 While Swainby is located in the North York Moors National Park and thus is not within Hambleton's settlement hierarchy, it offers a range of services, including pubs, a shop and a primary school. The site is approximately 450 metres by road from the centre of the village, and is considered to support village services.
- 5.6 The development is a single dwelling and therefore small in scale. The location is detached from the main part of the village, and is separated by an A road without a dedicated crossing, and is not contiguous with the village. The road forms a visual and practical limit to the extent of the village in this direction, particularly taking into account that the road would also be hazardous to cross in order to access the services in the village.
Therefore, as this site is separated by the A172 from the main part of the village, the location is not considered to reflect the form and character of the village.
The supporting information submitted with the application points out that there are other family houses on the Gold Hill Loop which make use of village services, but for the reasons given, the location is not considered to fulfil the requirements of the Interim Guidance.
- 5.7 The site is in commercial use and the development would not be detrimental to the natural environment and there is no significant historic or other built interests that would be harmed by the development.
- 5.8 The site is in rural surroundings and would be viewed in the context of the agricultural style shed on the site, which is in commercial use. The dwelling is potentially relatively low in height but as a minimum, the dormer style roof would result in the dwelling being apparent above the boundary hedges. The house is likely to be lower than the existing shed and would not be dominant. However, it would be out of character with the existing nearby sheds and would be an anomalous feature in the rural surroundings.
- 5.9 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.
- 5.10 There is scope to believe that if the dwelling were otherwise acceptable, a satisfactory design reflecting the traditions of the area as set out in CP17 and DP32 could be arrived at.
- 5.11 The proposed house is well separated from other nearby dwellings and would not harm their amenities. The house would be very close to the nearby commercial building but the self-store use is compatible with the amenities of residents of the new house. The proximity to a builder's materials store, which is open air and not limited in hours of use could be the cause of disturbance to residents of the new house. The supporting statement suggests the dwelling would be occupied by the owner of the builders storage yard, but in the absence of a business-based requirement for the dwelling on the site, a condition on this basis would not be justified.

- 5.12 The applicants put forward a long family connection with the village in support of the application, and the proposal has been supported by others, however this is not considered to justify a dwelling where it would not otherwise be in compliance with the adopted policies.
- 5.13 Some neighbours have expressed concerns about being outside development limits, and highway dangers, which are similar to the issues discussed above. Concerns about the planning history of the site and speculative concerns about future development have been raised but these points are not material to the present proposal.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposal represents unsustainable development on an isolated site outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages, and is contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

2. Due to its location and siting the proposed dwelling would be an anomalous and intrusive feature harmful to the rural surroundings, contrary to Policy CP16 and DP30.