

**AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 13 July 2016

Dear Councillor

**NOTICE OF MEETING**

Meeting **PLANNING COMMITTEE**  
Date **Thursday, 21 July 2016**  
Time **1.30 pm**  
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

**To:** Councillors  
D A Webster (Chairman)  
P Bardon (Vice-Chairman)  
D M Blades  
S P Dickins  
Mrs B S Fortune  
K G Hardisty

Councillors  
J Noone  
C Patmore  
B Phillips  
C Rooke  
Mrs I Sanderson  
Mrs J Watson

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am  
PROVIDING AN UPDATE ON SOWERBY GATEWAY; AN UPDATE ON APPEALS  
AND AN UPDATE ON THE CURRENT POSITION WITH THE NEW LOCAL PLAN**

## **AGENDA**

### **Page No**

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 23 June 2016 (P.5 - P.6), 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 10.30 am on Thursday,  
23rd June, 2016 at Yorkshire Suite, Golden  
Lion Hotel, Northallerton

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## Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Patmore
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	J Noone		Mrs J Watson

## Also in Attendance

Councillor	D Hugill	Councillor	P R Wilkinson
	S Watson		

An apology for absence was received from Councillor K G Hardisty

## P.5 MINUTES

### THE DECISION:

That the minutes of the meeting of the Committee held on 26 May 2016 (P.3 - P.4), previously circulated, be signed as a correct record.

## P.6 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) 16/01140/FUL - Proposed extension to grain storage building at Westholme Farm, Islebeck for Mr and Mrs Sanderson

PERMISSION GRANTED

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a pecuniary interest and left the meeting during discussion and voting on this item.

- (2) 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

PERMISSION REFUSED on grounds of harm to neighbour amenity and loss of off-street parking.

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

(Michael O'Neill spoke on behalf of Great and Little Broughton Parish Council objecting to the application.)

(Wendy Moor spoke objecting to the application.)

- (3) 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

- (4) 16/01002/FUL - Construction of detached dwelling and associated outbuilding at Land to the north of Springfield, Scruton for Mrs Janet Crampton

PERMISSION REFUSED

(The applicant's agent, Jim Sayell, spoke in support of the application).

(Mrs G Rennison spoke objecting to the application.)

- (5) 16/00748/FUL - Demolition of garage and construction of a two storey and single storey extension to side of house at 51 Riversdene, Stokesley for Mr & Mrs P Kemp

PERMISSION GRANTED

- (6) 16/01082/FUL - Construction of a lean-to extension to an existing livestock building to cover an existing cattle loafing/feeding area at Mowbray Hill Farm, Well for S Webster, Websters (Farmers) Ltd.

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a pecuniary interest as a Director of the applicant company and left the meeting during discussion and voting on this item.

(Councillor P Bardon in the Chair for this item)

- (7) 15/02270/FUL - Change of use of former mill to form 3 dwellings at Tanfield Mill, West Tanfield for North East Development Company Ltd

PERMISSION GRANTED

The meeting was adjourned at 11.30am and reconvened at 1.30pm

- (8) 16/00724/OUT - Outline application with all matters reserved for a 2 bedroom detached bungalow at Little Acre, Dalton for Mr Alan Kirby

PERMISSION GRANTED as the Committee considered that the proposal was in accordance with the development plan, the National Planning Policy framework and other material considerations.

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

- (9) 16/00612/FUL - Construction of two two-storey detached dwellings and associated parking at Brindlewood East Harlsey for Mr John White

PERMISSION REFUSED

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

(Peter Gardner spoke on behalf of East Harlsey Parish Council objecting to the application.)

- (10) 15/02420/FUL - Proposed change of use from agricultural land to holiday lodge park at Angrove Park, Winley Hill, Great Ayton for Mr Alan Petch

APPLICATION WITHDRAWN

- (11) 16/00262/FUL - Retrospective application for the use of land as a private gypsy site for one family at Rosie's Ranch, Busby Road, Great Busby for Mr Jonathan Stephenson

PERMISSION REFUSED

(Nicky Hugill spoke on behalf of Great Busby Parish Meeting objecting to the application.)

- (12) 16/00556/FUL - Extensions and alterations to garage buildings to form a dwelling at Ship Service Station, Low Worsall for Mr Paul Neasham

PERMISSION REFUSED

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

- (13) 15/02859/OUT - Outline application for residential development (considering access only with all other matters reserved) at Former Central Depot Cricket Club, Ainderby Road, Romanby for Arla Foods UK

PERMISSION REFUSED subject to the inclusion of an additional reason that the planning authority considered that the creation of the proposed residential access road to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to the level crossing and adjacent junctions.

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

(Jennifer Town spoke objecting to the application.)

- (14) 15/01652/FUL - Use of land and siting of caravan as a private gypsy site for one family at Part of former football pitch, Hutton Rudby Road, Skutterskelfe for Mrs Savannah Foster

PERMISSION REFUSED

(The applicant's agent, William Welch, spoke in support of the application).

- (15) 16/00522/FUL - Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer for at OS Field 1856, Tame Bridge, Stokesley Mr R Adams

PERMISSION REFUSED

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

(Mr Geoff Bonson spoke objecting to the application.)

The meeting closed at 2.55 pm

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Chairman of the Committee

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 21 July 2016. The meeting will commence at 1.30pm.**

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

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

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

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

Mick Jewitt  
Executive Director

# SITE VISIT CRITERIA

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



# **PLANNING COMMITTEE**

## **Thursday 21<sup>st</sup> July 2016**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	16/00398/OUT Mrs B Robinson Appleton Wiske  Page no. 11	Outline planning permission for a residential development with all matters reserved  For: Mr M Robinson At: Shorthorn Inn, Hornby Road, Appleton Wiske  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	16/00906/FUL Mrs B Robinson Borrowby  Page no. 21	Change of use of agricultural land and the siting of a log cabin and associated parking for holiday accommodation  For: Mr B Peacock, G E Peacock & Son At: Leake Greens Farm, Long Lane, Borrowby  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	16/00511/FUL Mr A Thompson Dalton  Page no. 25	Proposed construction of 27 dwellings with associated garaging, car parking and landscaping to exiting road layout  For: Whitfield Homes Limited At: Willow Bridge Lane, Dalton  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	16/00006/TPO1 Mr A Thompson Dalton  Page no. 31	Report following objection to the making of TPO 2016 No: 6  At: Stepping Stones, Dalton  <b>RECOMMENDATION: CONFIRM</b>
<b>5</b>	16/00933/FUL Mr A Thompson Easingwold  Page no. 33	Change of use of gallery space into single dwelling to include the installation of new roof window and associated car parking  For: Mr & Mrs Steve Pomfret At: Lund Gallery, The Lund, Easingwold, North Yorkshire YO61 3PA  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	16/00935/FUL Mr A Thompson Easingwold  Page no. 37	Change of use of gallery and dwelling to a live-work unit and incorporating new ramped access and associated landscaping  For: Mr & Mrs Steve Pomfret At: Wren Cottage, The Lund, Easingwold, North Yorkshire YO61 3PA  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	16/00411/OUT Mr A Thompson Easingwold  Page no. 41	Outline application with all matters reserved for the construction of 3 bungalows and associated garages  For: Ambleside Homes At: Land to rear of The Shieling, York Road, Easingwold  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>8</b>	16/00579/FUL Mr A Thompson Huby  Page no. 49	Siting of a log cabin for use as a dwelling  For Mrs Sylvia Robinson At: Swallow House, Brownmoor Lane, Huby  <b>RECOMMENDATION: REFUSE</b>
<b>9</b>	16/00812/FUL Mrs B Robinson Hutton Rudby  Page no. 53	Construction of new three bedroom dwelling and associated parking, garden and vehicle turning area  For: Mr & Mrs S Bury At: Hill Top, East Side, Hutton Rudby  <b>RECOMMENDATION: GRANT</b>
<b>10</b>	16/00565/OUT Mr A Thompson Morton on Swale  Page no. 59	Outline permission for a detached dwelling with access and layout  For: Mr S Clayton At: Land adjacent to 1 Swaledale Court, Morton on Swale  <b>RECOMMENDATION: REFUSE</b>
<b>11</b>	16/01240/FUL Mr P Jones Northallerton  Page no. 63	Proposed side extension to existing dwelling  For: Mr and Mrs P Sunley At: 11 Millfield Crescent, Northallerton  <b>RECOMMENDATION: GRANT</b>
<b>12</b>	16/01079/FUL Mrs S Leeming Sandhutton  Page no. 65	Demolition of existing agricultural buildings and the construction of dwellinghouse, detached annexe building and associated works  For: Mr & Mrs Park At: Land off Craddock Row, Sandhutton  <b>RECOMMENDATION : GRANT</b>
<b>13</b>	16/00200/FUL Mrs B Robinson Skutterskelfe  Page no. 71	Change of use of land to allow the siting of a larger caravan as an extension to the approved private gypsy site for one family  For: Mr Thomas Foster At: OS Field 5045, Skutterskelfe  <b>RECOMMENDATION: GRANT</b>
<b>14</b>	16/00491/MRC Mrs H Laws Snape  Page no. 77	Variation of Condition attached to Application 05/01968/FUL (Alterations and extensions to existing agricultural buildings and dovecote to form 2 dwellings) to allow unrestricted occupancy of manager's dwelling  For: Mr David Shipp At: Snape Castle Mews, Snape  <b>RECOMMENDATION : GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>15</b>	16/01287/FUL Mrs S Leeming Sowerby  Page no. 81	Extension to existing agricultural building for the accommodation of pigs  For Mr & Mrs D Sanderson At: Willow Grange, Worlds End, Sandholmes Lane, Sowerby  <b>RECOMMENDATION: GRANT</b>
<b>16</b>	15/01667/FUL Mr A Thompson Sutton-on-the-Forest  Page no. 85	Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses  For: Howardian Developments At: Blackwell Ox, Huby Road, Sutton on the Forest  <b>RECOMMENDATION: GRANT</b>
<b>17</b>	16/01383/FUL Mr T Wood Topcliffe  Page no. 91	Revised application to planning permission 15/02403/FUL for the demolition of an existing bridge and construction of a new bridge over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures  For: Hambleton District Council At: Dalton Bridge, Dalton  <b>RECOMMENDATION: GRANT</b>
<b>18</b>	16/01286/FUL Winton, Stank & Hallikeld  Page no. 103	Extension to existing agricultural building – pig housing  For Mr and Mrs D Sanderson At: Hallikeld Farm, Brompton  <b>RECOMMENDATION: GRANT</b>

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**Parish: Appleton Wiske**  
Ward: Appleton Wiske & Smeatons  
**1**

Committee Date : 21 July 2016  
Officer dealing : Mrs B Robinson  
Target Date: 12 April 2016  
Date of extension of time (if agreed): 22 July 2016

**16/00398/OUT**

**Outline planning permission for a residential development with all matters reserved.  
at Shorthorn Inn Hornby Road Appleton Wiske North Yorkshire  
for Mr Mark Robinson.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site includes a public house and car park, overall dimensions 85m x 45m. The site lies at the eastern edge of Appleton Wiske. There is an existing access from the road. The site is bounded by post and rail fences from the roadside.
- 1.2 To the west, the site abuts the rear boundaries of properties in Prospect View, where the houses are two storey, and mainly semi-detached. To the south and east the site abuts open countryside, with part hedge and part fence boundary treatments. To the north, across the road the facing properties are bungalows.
- 1.3 Appleton Wiske is classified as a secondary village and at present has two pubs, a school, village hall and a combined post office and shop. The site is within development limits.
- 1.4 The proposal is for the demolition of the public house and the site used for housing development. The application is in outline, with all matters reserved. The planning application form proposes 12 dwellings and an indicative siting plan has been submitted showing a layout with one house on the road frontage and 10 pairs of semi-detached houses in a longitudinal arrangement within the plot. The indicative layout uses the existing access, with an internal road along the west side of the plot.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 05/02457/FUL Construction of two dwellings. Refused 22.02.2006  
This proposal was for two dwellings at the rear of the plot.

## **3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP3 - Community assets  
Development Policies DP5 - Community facilities  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP33 - Landscaping  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework (NPPF)

## 4.0 CONSULTATIONS

4.1 Parish Council - Following discussion at the Parish Council meeting that took place on 07 March 2016, it was felt that at present the Parish Council cannot support this application as it does not meet the housing needs analysis carried out as part of the Neighbourhood Plan. However, they would be willing to work with the land owner and developers to try to work to meet the aspirations of the neighbourhood plan and needs identified of 2 & 3 bedroom properties. It is requested that further discussion take place with the Parish Council before a detailed plan is submitted.

4.2 Neighbours and site notice -  
Objections summarised below;

- Harm to outlook
- Loss of privacy
- Highway safety
- Proximity to electricity transformer could compromise services
- Would result in more noise than pub car park

Representations in support summarised below;

- Prime site for housing
- Will help Lord Nelson (pub)
- No disruption to existing residents and saves green belt
- Pub serves customers from outside the area
- Services available
- Access good
- Within village planning boundary
- Site right size for number of dwellings the village has asked for
- Could be included in neighbourhood plan
- Preferred to other sites due to easy access to main road towards Teesside and Great Smeaton/Northallerton, avoiding existing junctions
- Meets housing need identified in Appleton Wiske Neighbourhood plan

4.3 NYCC Highways - Required visibility is achieved at main access. Access for single house on frontage would need addressing at time of detailed application. Footway into Appleton Wiske will be required. Conditions requested.

4.4 Yorkshire Water - provided surface water to soakaway (as described) no condition requested. Re-consult if public sewer.

## 5.0 OBSERVATIONS

### Policy Principle

5.1 The site is within the settlement limits of a village within the hierarchy set out in CP4 where development is acceptable in principle subject to other relevant policies of the Local Development Framework, together with other relevant considerations including the development of the Appleton Wiske Neighbourhood Plan, which is in progress, and any highway safety issues.

5.2 In terms of the Local Development Framework, the issues below are relevant;

- Loss of the public house (Community asset) (CP3/DP5)
- Affordable housing (CP9/DP5)
- Amenity (CP1/DP1)
- Design (CP 17/DP32)
- Highway safety

- Issues related to the Neighbourhood Plan
  - Loss of a community facility
- 5.3 Policy DP5 sets out support for community facilities and that the loss of community facilities will only be permitted if:
- i) there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
  - ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
  - iii) an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location
- and that:
- The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement.
- 5.4 In this case, the application does not claim that there is demonstrable lack of community need for the facility. However, the application does identify other community facilities in the village including an alternative public house and village hall. Responses from the public and the Parish Council do not identify any objection to the loss of the public house. One comment suggests that the pub does not primarily serve this community, but draws its customers from a wider area. One comment received suggests that the proposal might result in more business for the existing pub. On this basis, no community need for the existing facility has been identified.
- 5.5 On financial viability, supporting information has been put forward by the applicant noting that over the past 7 years business turnover has dramatically declined and the business has been run with little or no profit. Additionally, extensive repairs are needed, making further financial demands on the business. Additional information in the form of abbreviated accounts is proposed to be submitted (awaited) to demonstrate the lack of financial viability of the business.
- 5.6 An alternative facility is available in the village in the form of another public house, the Lord Nelson.
- 5.7 Policy DP5 requires that only one of the three criteria need be fulfilled, and it has been noted that there is an alternative pub facility, and an apparent lack of community need for the existing pub. The financial viability of the business has not been tested sufficiently to demonstrate whether an alternative user might be able to operate the business successfully. However, taking into account that 2 of the criteria are satisfied, and the viability difficulties declared by the existing operator, for which further evidence is expected, on balance it is considered that the criteria of policy DP5 are satisfied.
- Affordable housing
- 5.8 In accordance with recent government criteria and Hambleton District Council's adoption of the lower threshold for affordable housing, affordable housing provision is required for developments of 6 or more dwellings, and in this location the aim under CP9 would be 40% affordable housing.
- The applicants have declared their understanding of the requirement, and their willingness to provide affordable housing. Given the scale of the proposed development and the applicant's willingness to deliver affordable housing, it is

considered appropriate to secure a scheme of affordable housing by condition, with any viability issues to be addressed at the detailed stage.

#### Amenity

- 5.9 There is scope to ensure that neighbouring houses to the west can be protected from harm to amenities by ensuring sufficient distance between the properties and attention to roof heights and window placements at the detailed stage.

#### Design

- 5.10 An indicative layout has been submitted showing one property on the road frontage and a further 5 pairs of houses accessed from a spine road on the west side of the plot. The indicative plan has 11 houses in total. Other information submitted in connection with affordable housing has suggested 13 dwellings could be accommodated on the site. At the outline stage the question of numbers could remain flexible. The layout of the site will be restricted by the long rectangular shape of the plot. This would reflect the layout of Prospective View, adjacent to the site. The inclusion of a frontage plot, as suggested on the indicative layout, will help integrate the scheme into the wider street-scene.

#### Highways Safety

- 5.11 There is an existing access into the site, and NYCC as highway authority does not suggest that the proposal would give rise to highway safety concerns, subject to details, and the recommendation that a footway be provided to link the site to the existing footway in the village.

#### Neighbourhood Plan

- 5.12 The site is not included in the prospective sites for development to meet identified need within the village which forms the central plank of the emerging Neighbourhood Plan. A housing needs study identifies that 10 units are required with 3-4 to be affordable the rest open market. The neighbourhood plan is in draft stage and has not been the subject of consultation and cannot be given significant weight in terms of current decision making. Some public comments received suggest that this site has some advantages over sites identified within the plan, in terms of managing traffic through the village.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the conditions detailed below.

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 siting, 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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition above.

6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

7. 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

8. 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 7 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.

9. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include: a the numbers, size, type, tenure and location on the site of the affordable housing provision which unless otherwise agreed 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.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: A 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 • 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. 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 with the Local Planning Authority in consultation with the Highway Authority.

11. 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 in consultation with the Highway Authority before the first dwelling of the development is occupied.

12. 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 43m measured along both channel lines of Hornby Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works

listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. A footpath that will connect the development to the existing footway on Hornby Road. (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works. (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

14. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 13: a. A footpath that will connect the development to the existing footway on Hornby Road.

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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i). vehicular turning arrangements and parking arrangements within the site

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 15: 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

17. 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.

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

19. 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.

20. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP33.
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 protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
10. In accordance with policy CP2 and DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
11. In accordance with policy CP2 and DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. In accordance with policy number CP2 and DP4 and in the interests of road safety.
13. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
14. In accordance with policy CP2 and DP4 and in the interests of the safety and convenience of highway users.
15. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
16. In accordance with policy 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
17. In accordance with policy 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.
18. In accordance with policy CP2 and DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
19. In accordance with policy 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.
20. In accordance with policy CP2 and DP4 and in the interests of highway safety and the general amenity of the area.

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**Parish: Borrowby**  
Ward: Bagby & Thorntons  
**2**

Committee Date : 21 July 2016  
Officer dealing : Mrs B Robinson  
Target Date: 4 July 2016  
Date of extension of time (if agreed): 22 July 2016

**16/00906/FUL**

**Change of use of agricultural land and the siting of a log cabin and associated parking for holiday accommodation.  
at Leake Greens Farm Long Lane Borrowby North Yorkshire  
for Mr B Peacock.**

- 1.1 The site is a field corner approximately 50m east of existing farm buildings at Leake Green farm. The farm is located close to the northern outskirts of Borrowby. The site is accessed from the existing farm access from Long Lane, and is routed past the north of the existing farm buildings. The buildings are in use for livestock. The northern boundary to the field site is a wire fence. There is hedging to the rear (east) side of the existing buildings. There is a public right of way (bridleway) extending from Long Lane immediately to the north of the site entrance.
- 1.2 The proposal is to site a twin unit static caravan for holiday accommodation. The caravan is to be within an enclosure 24m x 16m, bounded by post and rail fences and including a parking space. The static caravan is a 'log cabin' type, with shallow pitched roof, small gable feature and timber clad exterior. The caravan concerned is currently located adjacent to the farm entrance, where a new house has been constructed.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 08/04770/APN Withdrawn 08.01.2009
- 2.2 09/00599/APN (Granted) 02.04.2009
- 2.3 10/00542/FUL Construction of an agricultural livestock building (number 1 - 36.6m x 12.2m) Granted 2010
- 2.4 10/00543/FUL Construction of an agricultural livestock building (number 2 - 36.6m x 12.2m) Granted 2010
- 2.5 10/00541/FUL - Alterations and extension to existing storage building to house calves and siting of a temporary agricultural workers dwelling. Granted 2010
- 2.6 12/01725/FUL - Retrospective revised application for a lean-to extension to existing livestock building for the housing of cattle and siting of a temporary agricultural dwelling. Granted 2012
- 2.7 12/01726/FUL - Retrospective application for the construction of an agricultural livestock building Granted 2012
- 2.8 13/01338/OUT - Outline application for the construction of an agricultural worker's dwelling as amended by Plan received by Hambleton District Council on 19 August 2013; Granted 2013.
- 2.9 14/01319/FUL - Construction of agricultural workers dwelling with integral garage. Granted 26.9.2014

**3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP26 - Agricultural issues  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - Requirement to remove the temporary accommodation should be enforced. Use of the farm land for holiday cottage is wrong, and sets a precedent for more.
- 4.2 Neighbours and site notice - last expiry 15.06.2016. No observations received.
- 4.3 Natural England - No comments.
- 4.4 NYCC Highways - Conditions recommended
- 4.5 Sabic - 235 metres from major accident hazard pipeline. Sabic to be consulted about works within 50metres of major accident hazard pipeline

#### **5.0 OBSERVATIONS**

##### Policy principle

- 5.1 As a holiday let to support tourism, there is scope under the terms of criteria i) of CP4 to consider the proposal as an exception to the principles of CP1 and CP2. Other relevant policies to be considered will be CP15 and DP25 (rural employment), CP16 DP30 (character and appearance of the countryside), amenities of neighbouring occupiers (CP1 and DP1) and any highway safety issues.
- 5.2 In terms of CP4, the holiday use of a caravan in a rural location is considered to be a valid contribution to the available range of tourism accommodation, and the siting outside a sustainable settlement can be justified. The location is within easy reach of the recreational opportunities of the North York Moors National Park, service centres including Northallerton, and other local places of interest, including Thirsk. The site is close to a secondary village with facilities including a pub, and the proposed use can be considered to support village services. Overall therefore, the location is sufficiently sustainable to be an acceptable exception to the principles of CP1 and CP2.

##### Rural business and farm diversification

- 5.3 As a single unit, the proposal is small in scale, and as noted above is considered to contribute to the local economy and is acceptable under the terms of DP25. The applicants have submitted additional information showing that they intend to operate the holiday lettings themselves and family members have relevant experience in running guest accommodation. Enquires have been made of national and local letting agents, and support the view that there would be demand for a suitable unit in this location. These considerations suggest the proposal could be a viable farm diversification sustainable in the longer term, and able to support the existing agricultural enterprise, in accordance with DP26.



#### Impact on the rural surroundings

- 5.4 In terms of the impact on the rural surroundings, the proposed site is in close proximity to existing built development. The existing buildings, the local topography and existing hedging bounding the adjacent roads and tracks will screen the caravan from general public view and particularly noting its low profile and timber finish, it will not be an isolated or obtrusive feature harmful to the rural surroundings. There is scope to further ensure the protection of the character of the countryside by means of an appropriate landscaping condition.

#### Amenity

- 5.5 The site is sufficiently distant from neighbouring dwellings not to have a harmful effect on the amenities of residents.
- 5.6 In terms of the amenity of caravan users, the site is close to buildings in use for livestock. However, due to the nature of the relatively short term occupation of the premises for holiday purposes, harm to amenity in terms of smell or noise is self-limiting and the extent of harm would not justify refusal on this basis.

#### Highway safety

- 5.7 The highway safety aspects have been considered by the Highway Authority and no objection made, and on this basis the development is not considered harmful to road safety.

#### Other safety matters

- 5.8 The site is within the consultation zone for a major hazard pipeline but not within the inner zone and subject to the advice of the pipeline operators, does not represent a risk to safety.

#### Objections

- 5.9 The Parish Council objection to the proposal is related to the previous temporary consent for the unit as a temporary farm workers dwelling. Since a permanent dwelling has been constructed, it is open to the applicants to make alternative use of the caravan, subject to consideration of the relevant policies. If the application were to be refused, enforcement action to remove the caravan would need to be considered.  
As a precedent for similar development, this would be an issue to be considered on its merits, as appropriate.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **Granted**, subject to the following conditions;
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 19th April 2016 and 9 May 2016 unless otherwise agreed in writing by the Local Planning Authority.
  3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which

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

4. Unless otherwise agreed in writing by the Local Planning Authority, boundary treatments shall be as set out on plan ref PEACOCK-HU-01 received by Hambleton District Council 19th April 2016.

5. No caravan shall be placed on the site unless it is clad in natural colour timber or as previously agreed in writing with the Local Planning Authority.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16 and DP32.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.

4. To protect the character and appearance of its surroundings in accordance with Local Development Framework Policy Cp16 and DP30.

5. In the interests of the amenities of the rural surroundings, in accordance with Local Development Framework Policy CP16 and DP30.

**Parish: Dalton**  
Ward: Sowerby & Topcliffe  
**3**

Committee Date: 21 July 2016  
Officer dealing: Mr Andrew Thompson  
Target Date: 8 June 2016  
Extension agreed until:

**16/00511/FUL**

**Proposed construction of 27 dwellings, with associated garaging, car parking and landscaping to exiting road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 The application seeks full planning permission for 27 houses on part of a site that had previously been granted approval for 36 dwellings. 16 houses of the original development are not included in this application with these either under construction, complete but unoccupied or occupied. The proposal would increase the number of houses on the wider site from 36 to 43.
- 1.2 The submitted proposal comprises a mix of dwellings: 10 two bedroom houses; 3 three bedroom houses; 13 four bedroom houses and 1 five bedroom house. This compares to the previous approved building mix of: 4 one bedroom flats; 3 two bedroom houses; 6 four bedroom houses; and 7 five bedroom houses
- 1.3 Building heights are all two-storey to fit within the local context. The vehicular access is proposed off Willow Bridge Lane, the road leading from Dalton north to Sowerby and has been constructed.

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

- 2.1 10/01428/FUL - 31 dwellings, public open space, access and landscaping; Granted 21 December 2010. This is the site to the south of the current application and the development is complete.
- 2.2 12/01346/OUT - Outline application for 36 dwellings including means of access; Refused 28 November 2012. Appeal allowed 4 July 2013.
- 2.3 13/02560/REM - Reserved matters application for the construction of 36 dwellings including means of access; Granted 20 February 2014.
- 2.4 15/01317/MRC - Variation of Condition(s) of planning approval 13/02560/REM - Re-configuration of C house type to include the construction of an extension; this scheme relates to dwellings outside the site of application 16/00511/FUL and approval would require a variation to the Section 106 agreement and is pending consideration.
- 2.5 16/01018/S106 - Variation of Section 106 agreement associated with application 12/01346/OUT (reduced affordable housing contribution) the determination of the application 16/01018/S106 is closely associated with the viability appraisal being undertaken in respect of the application 16/00511/FUL pending consideration.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

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

Core Strategy Policy CP3 - Community assets  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP7 - Phasing of housing  
 Core Strategy Policy CP8 - Type, size and tenure of housing  
 Core Strategy Policy CP9 - Affordable housing  
 Core Strategy Policy CP9A - Affordable housing exceptions  
 Core Strategy Policy CP10 - The scale and distribution of new employment development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP2 - Securing developer contributions  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP8 - Development Limits  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP11 - Phasing of housing  
 Development Policies DP12 - Delivering housing on "brownfield" land  
 Development Policies DP13 - Achieving and maintaining the right mix of housing  
 Development Policies DP15 - Promoting and maintaining affordable housing  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 Supplementary Planning Document - Open Space, Sport and Recreation -adopted 22 February 2011  
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
 National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - The original planning granted for this site was for a total of 36 houses. This new proposal increases that figure to 43. With the actual number of proposed properties increasing, will there be more affordable housing on the site and does the Section 106 contribution increase? We feel that there is insufficient information in the application for us to be able to give our decision and therefore request a delay pending more information being made available to us on the points raised.
- 4.2 Highway Authority - previously approved the highway layout and construction as part of the earlier application reference 13/02560/REM. This proposal retains that same highway layout.
- 4.3 Scientific Officer (contaminated land) - No objection subject to conditions - the developer will need to submit a Remediation Strategy detailing how the contamination will be remediated and then a final Verification Report once remediation has been completed.
- 4.4 Environmental Health Officer - No objection

- 4.5 Swale and Ure Drainage Board - The drainage strategy is acceptable.
- 4.6 Yorkshire Water - No objection or conditions requested
- 4.7 Ministry of Defence - No safeguarding objections.
- 4.8 NYCC Education - based on the new mix a contribution of £91,773.00 would be sought.
- 4.9 Rural Housing Enabler - Proposals meet the national space standards.
- 4.10 Public comment - 2 letters of objection have been received which can be summarised as:
- Lack of facilities in the village;
  - No need for houses;
  - Traffic impact;
  - Pedestrian safety; and
  - HGVs moving through the village.

## **5.0 OBSERVATIONS**

- 5.1 The principle of residential development has been established by previous planning permissions and this has been implemented on the application site and remains extant through the ongoing building work. Whilst the comments of residents have been noted there is no change in circumstances that would allow the principle of residential development to be reviewed.
- 5.2 The key issues are therefore (i) the impact of the increase in numbers on the character of the area; (ii) the impact on highways; and (iii) the mix of size and types of dwellings together with the delivery of affordable housing; and (iv) planning contributions.

### Character of the Area

- 5.3 The proposed changes maintain a similar built form and character; this is achieved by subdividing larger properties into semi-detached properties and by substituting the 4 one-bedroom flats as 2 two bedroom houses. The submitted proposals include a wide range of detail including the proposed bricks, roof tiles and boundary treatments.
- 5.4 Taking account of the previously approved scheme and the proposed amendments, the proposal would continue the form and character of the previously approved scheme, there is no reason to find the alternative details unacceptable.

### Highways

- 5.5 The proposed scheme maintains the previously approved highway layout, with the position of the access unaltered. Additional properties are created through subdivision of larger properties. The comments of the Highway Authority are noted and notwithstanding the concerns of local residents, the proposal would not generate a level of additional movements that would substantiate a reason for refusal.

### Mix of size and types of dwellings and delivery of Affordable Housing

- 5.6 All of the proposed houses achieve or exceed the Nationally Described Space Standards for new dwellings. The mix of dwelling sizes does not reflect the target size given in the “Size type and tenure of new homes SPD”, the number of 2 bed dwellings proposed is broadly in line with the SPD, the proportion of 3 bed dwellings is below the target and the 4 bed units are substantially greater than the target. The mix is improved from the previously approved scheme as the number of 5 bed dwellings has been reduced and the number of 2 bed dwellings has increased.

Dwelling size (bedrooms)	Proposed %	Target %
1	0	10
2	37	35
3	11	25
4	48	10-15
5	4	-

- 5.7 16 of the original development are not included in this application proposal because they are either complete, occupied or under construction. Seven of those houses have already been transferred as Affordable Housing units to Chevin Housing Association under the terms of a planning obligation.
- 5.8 The applicant is seeking to be released from the normal 40% policy requirement of on-site affordable housing as they have calculated that the scheme is unviable if affordable housing is provided. The Council have appointed Kier to review the evidence and provide advice on the development finance. An update will be given to the Committee meeting on the matter of viability.

### **Planning contributions**

- 5.9 The development is liable under the Community Infrastructure Levy (CIL). This equates to £174,491.34 and CIL documentation has been received accordingly. Whilst the Education Authority seeks a specific contribution of £91,773.00 based on the housing mix, allocation of funds is made through CIL.
- 5.10 The applicant has also applied under S106B to remove the £23,000 for affordable housing under planning reference 16/01018/S106; this contribution was to make up a shortfall in on site provision of affordable housing and is due on occupation of the 18th market house. The variation of the S106 Agreement is not for determination in this application.
- 5.11 The S106 Agreement accompanying the previous permission also secured £140,338 towards open space and £54,384 towards education. A Deed of Variation can be entered into to secure the appropriate sums. Depending upon the viability assessment the trigger for payment and the value of commuted sums can be varied in the Deed of Variation to secure the contributions.
- 5.12 It is therefore recommended that planning permission be granted subject to the outcome of the viability exercise.

## **6.0 RECOMMENDATION**

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents submitted to the Local Planning Authority on 2 March 2016 reference: Y81:897.01 Rev A, Y81:897.300, Y81:897.301, Y81:897.302, Y81:897.303, Y81:897.304, Y81:897.305, Y81:897.306, Y81:897.307, Y81:897.308, Y81:897.309, Y81:897.310, Y81:897.311, Y81:897.312, Y81:897.313, Y81:897.314, Y81:897.315, Y81:897.316, Y81:897.317, Y81:897.318, Y81:897.319, Y81:897.320, Y81:897.321, Y81:897.322, Y81:897.323, and Y81:897.186 Rev H.
3. The boundary treatment shall be implemented in accordance with the details submitted on the approved plans and thereafter retained in accordance with the approved details.
4. No development shall be commenced until a scheme for the remediation of contamination, including ground gas protection measures, has been submitted and approved by the local planning authority. 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.
5. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
6. 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.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development is in keeping with the character of the area.
3. To ensure that the proposals are in keeping with the character of the area and ensure an adequate level of amenity for future occupiers of the development.
4. In the interests of human health and the environment.
5. In the interests of human health and the environment.
6. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
7. In the interests of highway safety
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In the interests of highway safety.



**4**

## **15/00006/TPO1**

### **1.0 PROPOSAL & SITE DESCRIPTION**

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2016/6 which is a group Tree Preservation Order.
- 1.2 The site is located to the northern side of the main road into Dalton. The existing site is well-treed. To the west is St Johns Church which is separated by an open field. There are residential properties (1 and 2 Rose Lea) opposite with two other properties (Orchard Cottage and Yew Tree House) at a slightly oblique angle. The road bends to the west of the application site.

### **2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 93/0852/OUT - Detached dwellinghouse; Refused 30 April 1993.
- 2.2 16/00856/OUT - Outline planning application with all matters reserved for a detached dwelling and garage; Refused 9 June 2016.
- 2.3 Objections have been received regarding the making of the Order from the occupier of Stepping Stones and the Parish Council advise that only the trees within the site of the refused application should be made the subject of the tree preservation order and that the trees further to the north should be excluded from the order.

Three aspects of objection are made by the landowner (in summary these are):

1. The trees, particularly those south of Stepping Stones need a lot of management to prevent damage to house and services.
2. Trees are being planted and only removed due to disease or to overcome damage.
3. The owner are experienced in identifying a tree's need for attention. The trees in the garden of Stepping Stones are not under threat and are cared for, without the control of a TPO.

### **3.0 RELEVANT POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATIONS**

- 4.1 Dalton Parish Council - think that this preservation order should only apply to the curtilage shown within Planning Application 16/00856/OUT and not the whole site.

## 5.0 OBSERVATIONS

- 5.1 Planning application 16/00856/OUT related to a development of the front portion of the site, as part of the assessment of the site, a significant amount of tree planting was noted, particularly at the roadside, but also further to the rear, this semi-woodland character and the prominent hedgerows are an important feature to the landscape and the approach to Dalton. Therefore the extent of the TPO was widened to include the whole of Stepping Stones and the wider area to retain the rural and sylvan quality of the site. This adverse impact was progressed as a reason for refusal to the planning application.
- 5.2 The loss of trees and the potential impact on protected species present was also considered an important consideration in the refusal of planning application 16/00856/OUT and this extends beyond the application site. The commentary of the Parish Council and landowner of Stepping Stones gives confidence that there is no imminent risk to the tree cover of land at the rear of the site.
- 5.3 Planning Practice Guidance advises that the group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection. In this instance, the area of trees is a collective feature that is prominent to the landscape quality of the area and a particular feature of prominence to the entrance of Dalton. A group tree preservation order is therefore considered appropriate so that this character is maintained but the extent of the group should be reduced to exclude the trees that are not 'under threat'.

### Attachments

- 5.4 A revised plan showing the extent of the Group 1 is appended to this report together with the full copy of the representations of the landowner.

## 6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The trees at the front part of the site identified in the TPO contribute significantly to the amenity of the area and are under threat through development proposals. The trees within the reduced area of the Group 1 of TPO give a public benefit. Their retention would not preclude future proposals, which would be considered on their merits.
- 6.2 It is therefore recommended that TPO 2016/6 as amended by removing the land within the curtilage of Stepping Stones from the Order is **confirmed**.

**Parish: Easingwold**  
Ward: Easingwold  
**5**

Committee Date : 27 July 2016  
Officer dealing : Mr Andrew Thompson  
Target Date: 1 July 2016  
Date of extension of time (if agreed): 25 August 2016

**16/00933/FUL**

**Change of use of gallery space into single dwelling to include the installation of new roof window and associated car parking.  
at Lund Gallery The Lund Easingwold North Yorkshire  
for Mr & Mrs Steve Pomfret.**

**1.0 PROPOSAL AND SITE DESCRIPTION:**

1.1 The Lund Gallery (also known as "The Studio") and Wren Cottage are a group of buildings to the southwest of Easingwold off the Alne Road on a private road serving The Lund, Lund Farm and the gallery complex. The buildings themselves are brick built and arranged in a courtyard with modern agricultural buildings to the rear, one of which is used as space for artwork storage and creative space.

1.2 This application seeks permission for change of use of the gallery space into single dwelling to include the installation of new roof window and associated car parking.

**2.0 RELEVANT PLANNING HISTORY:**

2.1 2/03/041/0984 - alterations and extension to existing agricultural building for use as an artists' studio and gallery with associated teaching retail sales and car parking - Granted 25.09.2003.

2.2 07/01387/FUL Alterations to existing agricultural buildings and office to form an events space, two studios and a dwelling - Granted 16.07.2007

2.3 08/00677/FUL - Revised application for alterations to existing agricultural buildings and office to form two studios, two galleries and a dwelling - Granted 11.06.2008

2.4 16/00935/FUL - Change of use of gallery and dwelling to a live-work unit and incorporating new ramped access and associated landscaping - Under consideration at the same time.

**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 CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP13 - Achieving and maintaining the right mix of housing

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

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

#### 4.0 CONSULTATIONS

4.1 Parish Council - wish to see the application approved.

4.2 Environmental Health Service - no objections.

4.3 Highway authority - no objections

4.4 Site notice displayed and neighbours notified - no responses.

#### 5.0 OBSERVATIONS

5.1 The key determining issues are the principle of development, the character of the area, the relationship between properties and access and parking.

The principle of development

5.2 Policy CP4 allows for the re-use of rural buildings where that would not result in substantial alterations and would help to support a sustainable rural economy. The existing gallery buildings result from conversions and would not need significant further alteration in order to be brought into residential use. The conversion of the buildings are therefore in accordance with the first clause of Policy CP4(iv). The evidence in respect of the support for a sustainable rural economy is set out in a supporting statement from LCF Barber Titley. This states (Pages 3 and 4) that increasingly profits have been generated by on-line sales as there has been a change in the business model which artists and makers increasingly have a presence on-line rather than selling through galleries to reduce costs and artists communicating directly with buyers rather than through a gallery. The applicant submits that the percentage turnover of sales to exhibitions/workshops and masterclasses has risen from 12% in 2008/09 to 90% in 2015/2016. As a result the gallery requires significantly less space.

5.3 Further at page 10 of the supporting statement:

"The existing gallery business will be retained and the employment it provides will be unaltered. There will therefore be no adverse impact on the rural economy but instead conversion will help to support the gallery business going forward by providing an additional source of income (whether capital or rental) to its owners and also enabling finance to be more easily raised if needed."

5.4 Further evidence has been submitted by the applicant setting out a business case for the applicant to operate through a smaller gallery space whilst continuing to sell work via regional and national galleries. The new residential unit will provide an additional income stream (either through being rented or sold) and fixed overheads (e.g. rates, lighting, heating) will be significantly reduced by reducing the gallery footprint. The reduced overheads will enable the gallery to continue to operate. The gallery has earned a reputation for high quality art and ceramics and will continue to operate as such.

5.5 The proposals would be within the existing farm complex which is surrounded by open fields with ancillary hardsurfacing available for car parking. As the proposals are within the context of the existing farmstead, there would be no material harm to the openness or character of the countryside. Wren Cottage itself is an attractive

building but is not a listed structure and has a number of contemporary additions and alterations to the external appearance. Therefore there is no heritage aspect to consider.

- 5.6 The principal amenity impact would be the relationship between existing and proposed dwellings. The proposals are designed to reduce overlooking between properties and the proposals. There would be no harm to existing or proposed amenities of residents as a result of the proposals. The proposals would not change the countryside setting.
- 5.7 There is adequate space for car parking for all users within the grounds and there are no concerns raised by the highway authority.
- 5.8 The proposals are therefore considered acceptable.

## **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01-LP(CV), 01-01A, 01-02A and 01-03 received by Hambleton District Council on 22 and 25 April 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, DP30 and DP32.

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Parish: Easingwold  
Ward: Easingwold  
**6**

Committee Date : 21 July 2016  
Officer dealing : Mr Andrew Thompson  
Target Date: 8 July 2016  
Date of extension of time (if agreed): 19 August 2016

**16/00935/FUL**

**Change of use of gallery and dwelling to a live-work unit and incorporating new ramped access and associated landscaping.  
at Wren Cottage The Lund Easingwold North Yorkshire  
for Mr & Mrs Steve Pomfret**

**1.0 PROPOSAL AND SITE DESCRIPTION:**

- 1.1 The Lund Gallery (also known as "The Studio") and Wren Cottage are a group of buildings to the southwest of Easingwold off the Alne Road on a private road serving The Lund, Lund Farm and the gallery complex. There is an important distinction between the scheme 16/00933/FUL as this proposal does not create a new dwelling, the dwelling 'Wren Cottage' is extended. The buildings themselves are brick built and arranged in a courtyard with modern agricultural buildings to the rear, one of which is used as space for artwork storage and creative space.
- 1.2 This application seeks permission change of use of gallery space and the existing dwelling 'Wren Cottage' into live-work unit. The changes include the conversion of 'Gallery 3' to a lounge area, internal doors to separate gallery space from dwelling and other separation of the 'Studio 2'. 'Studio 1' remains as part of the live-work unit. A ramped pedestrian access to the eastern elevation to the retained gallery is proposed.

**2.0 RELEVANT PLANNING HISTORY:**

- 2.1 2/03/041/0984 - alterations and extension to existing agricultural building for use as an artists' studio and gallery with associated teaching retail sales and car parking - Granted 25.09.2003.
- 2.2 07/01387/FUL Alterations to existing agricultural buildings and office to form an events space, two studios and a dwelling - Granted 16.07.2007
- 2.3 08/00677/FUL - Revised application for alterations to existing agricultural buildings and office to form two studios, two galleries and a dwelling - Granted 11.06.2008
- 2.4 16/00933/FUL - Change of use of gallery space into single dwelling to include the installation of new roof window and associated car parking - Under consideration at the same time.

**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 CP7 - Phasing of housing  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP12 - Delivering housing on "brownfield" land  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP25 - Rural employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - wish to see the application approved.
- 4.2 Environmental Health Service - no objections.
- 4.3 Highway authority - no objections
- 4.4 Site notice displayed and neighbours notified - no responses.

#### **5.0 OBSERVATIONS**

- 5.1 The key determining issues are the principle of extending the existing dwelling and reduction in gallery space, the impact on the character of the area, the relationship between properties and access and parking.
- 5.2 The conversions from agricultural buildings to gallery and residential use have been undertaken previously. The changes in this application are limited to a redrawing of the boundary between the gallery and residential space. The re-use of buildings can be in accordance with Policy CP4 (iv) where the development "would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing".
- 5.3 The scheme retains a studio and gallery to create and exhibit works. A part of the building is separated as 'Studio 2' and is shown to remain available to provide further creative space. The proposal is to retain the viability of the business. The same evidence relating to the rural economy is available in respect of this proposal as the previous application. The supporting statement from LCF Barber Titley (Pages 3 and 4) states that increasingly profits have been generated by sales as there has been a change in the business model which artists and makers increasingly have a presence online rather than selling through galleries to reduce costs and communicating directly with buyers. The applicant submits that the percentage turnover of sales to exhibitions/workshops and masterclasses has risen from 12% in 2008/09 to 90% in 2015/2016. As a result the gallery requires significantly less space.
- 5.4 Further at page 10 of the supporting statement:

"The existing gallery business will be retained and the employment it provides will be unaltered. There will therefore be no adverse impact on the rural economy but instead conversion will help to support the gallery business going forward by providing an additional source of income (whether capital or rental) to its owners and also enabling finance to be more easily raised if needed."
- 5.5 Further evidence has been submitted by the applicant setting out a business case for the applicant to operate through a smaller gallery space whilst continuing to sell through work via regional and national galleries. The new residential unit will provide an additional income stream (either through being rented or sold) and reduced fixed overheads (e.g. rates, lighting, heating) will be significantly reduced by reducing the



gallery footprint. The gallery has earned a reputation for high quality art and ceramics and will continue to operate as such.

- 5.6 The proposal provides a dwelling that is closely related to the workplace. The extended Wren Cottage is not identified as an 'affordable housing' unit and is relatively large, however the intimate relationship between the dwelling and gallery are such that the dwelling is likely to be particularly attractive to those wishing to operate a business and live within the same location and would meet the housing need of a person working at The Lund and meets the objectives of a sustainable dwelling.
- 5.7 The proposals would be within the existing farm complex which is surrounded by open fields with ancillary hardsurfacing available for car parking. As the proposals are within the context of the existing farmstead, there would be no material harm to the openness or character of the countryside. Wren Cottage itself is an attractive building but is not a listed structure and has a number of contemporary additions and alterations to the external appearance, there are no heritage aspect to consider.
- 5.8 The principal impact would be the relationship between existing and proposed dwellings. The proposals are designed to reduce overlooking between properties and the proposals would, by virtue of their countryside setting be able to form their own level of amenity, e.g. outlook and amenity space. There would be no harm to existing or proposed amenities of residents as a result of the proposals.
- 5.9 There is adequate space for car parking for all users within the grounds and there are no concerns raised by the highway authority.
- 5.10 The proposals are therefore considered acceptable.

## **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01-LP(LW), 01-10A, 01-11A, 01-12A received by Hambleton District Council on 22 April 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP30 and DP32.

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**Parish: Easingwold**

Ward: Easingwold

**7**

Committee Date: 26 May 2016

Officer dealing: Mr Andrew Thompson

Target Date: 18 April 2016

Extension agreed until:

**16/00411/OUT**

**Outline application with all matters reserved for the construction of 3 bungalows and associated garages  
at land to rear of The Shieling, York Road, Easingwold  
for Ambleside Homes**

## **1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 The application site lies to the rear of The Shieling, York Road, Easingwold with South Villa located to the north and the new development by Redrow Homes to the south and east (formed by Longbridge Drive and Oxmoor Place). The site is open grassland and relatively flat. It is within the Development Limits of Easingwold and part of the site (approximately 50% including the proposed access and some of the garden area) is located within Allocation EM1.
- 1.2 The application proposes three bungalows and associated garages and parking areas on the site. The illustrative plan shows site access from York Road to the north of The Shieling with three detached bungalows on the south boundary of the site. The proposal has been reduced from four bungalows during the course of the application.
- 1.3 The application is in outline with all matters reserved, although access is only feasible from York Road as described.

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

- 2.1 None.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP11 - Phasing of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains  
Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road,  
Easingwold - adopted 21 December 2010  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Size, type and tenure of new homes - adopted  
September 2015  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance

#### **4.0 CONSULTATIONS**

4.1 Town Council – Wished to see the original four dwelling scheme approved in principle, subject to the following conditions:

- Drainage and sewerage concerns are addressed adequately with a drainage engineer being commissioned; and
- Concerns over the tight plot for bungalow 4 are addressed.

Comments on the revised scheme, reducing the number of units from four to three, are awaited.

4.2 Highway Authority - No objection subject to conditions.

4.3 Yorkshire Water - No objection. Company records indicate an existing 3" cast iron water main (with a valve and fire hydrant) crosses part of the red line site boundary. Although the water main will not be affected by the proposed building layout, we understand that there will be modifications to the existing access road that serves the current site, and these alterations may impact on the water main.

4.4 Ministry of Defence - No safeguarding objections.

4.5 Rural Housing Officer - As this site lies part in and part out the allocation site a level of affordable housing would be sought.

4.6 Public comment - 20 letters of objection have been received (one objector has written eight times and there are other objectors who have written more than once) and a letter of support were received in respect of the original plan for four bungalows on the site. No comments have been received in respect of the three-bungalow amendment. The comments are:

- The proposal would set a precedent for further development of back gardens;
- It would continue the impact of noise, dust, grit and past pile-driving arising from houses being built in the area;
- Plot 4 bungalow is an overdevelopment;
- Concern of the proximity of plot 4 bungalow to boundaries;
- Plot 4 bungalow in particular would reduce privacy and light;
- Concern about damage to property during construction of plot 4;
- A strip of land should not become a dumping ground for waste materials, it should be used as garden land only;
- The area is not currently used for fly tipping as claimed;
- Access to the development is unsafe and roads are busy, leading to an adverse impact on highway safety;
- Sewer and flooding problems in the area;
- There should be clarification as to who owns the land; and
- An old apple tree that housed a group of bats, where the proposed bungalows will be built, has been cut down as well as a lot of the shrubbery cleared.

## 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 Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; (vi) drainage and (v) Affordable Housing.

### Principle of development

- 5.2 The application site is located within the Development Limits of Easingwold adjacent to other developments. The access is outside the allocated land, the dwellings are shown to be within the allocated land. To develop housing on the site both allocated and unallocated land are required. All but a small part of one of the dwellings shown on the illustrative plan would be located within allocation site EM1, which covers a larger area, whilst the access to the application site would be outside of site EM1. The principle of development on the site is not in dispute, having been established by the allocation and the inclusion of the remainder of the site within Development Limits. Whilst concerns over establishing a precedent for further development in the area are noted, the policy position allows for appropriate housing development and each case must be considered on its merits.

### The Character and Appearance of the area

- 5.3 The proposal has been reduced during the course of the application from four to three dwellings. This has removed plot 4, which raised the most concern to neighbours. The proposal, based on the illustrative drawing, is now considered to be well spaced.
- 5.4 It is noted that one objector highlights that an apple tree was removed prior to the submission of the application. As the tree was not subject to a Tree Preservation Order and not within a Conservation Area, no permission was required for felling and the Council has no evidence that a bat roost protected by the Wildlife and Countryside Act was disturbed. However, as any such disturbance would have been in connection with activity that was not subject to planning control, it is not an issue for the Local Planning Authority to consider and has no bearing on this application.
- 5.5 The amended proposal shows a development that would be in keeping with the character of the area.

### Neighbour amenity

- 5.6 The amended details have improved the proposed relationship with the neighbouring properties and indicate that there would be a satisfactory level of amenity both for neighbours and future occupiers of the development. Concerns are raised by residents with regard to the impact on neighbouring properties, in particular from the previously proposed plot 4. The proposal as amended would now allow for a satisfactory relationship to be formed with neighbouring dwellings; however the details of this can be tested further in a reserved matters submission.
- 5.7 The proposal is considered acceptable under the terms of LDF Policies CP17 and DP32.

### Highway safety

- 5.8 The comments of residents relating to highway safety are noted. The Highway Authority is satisfied that safe access can be achieved. The indicative layout shows

both parking and garage provision and adequate space for turning and manoeuvring within the site. As such, there are no sustainable highway safety grounds for resisting the proposal.

#### Drainage and Flooding

- 5.9 Yorkshire Water's advice that the water main crossing the site will need to be assessed is noted. Adequate drainage detail to ensure that the comments of Yorkshire Water are satisfied can be dealt with by condition and modifications can be adequately considered. The concerns regarding the general flooding situation in the area are noted. However, conditions can be imposed to require a scheme for drainage of the site and there is no evidence to justify a refusal of planning permission on the basis of flood risk.

#### Affordable Housing

- 5.10 The applicant offers no affordable housing, justifying their approach as follows:

“The site is hampered by its inclusion within Allocation Site EM1, which requires 50% affordable housing. The planning system shouldn't hinder the delivery of allocation sites by applying more stringent criteria than off-plan sites (Clayhithe Mews and Howlett Close, off York Road - both developed with 0% affordable housing). A quirk of circumstances has created a small allocation site for 3 or 4 dwellings (the application site). The applicant suggests this is highly unusual and highly unlikely to be repeated elsewhere.

The allocation site boundary is somewhat ambiguous. The LDF and various iterations of the SHLAA all show different boundaries. This ambiguity created uncertainty for the developer to plan ahead and deliver a successful scheme. The amended scheme has also affected viability and has removed a plot that is clearly defined on all plans, as being outside of the Development Limits.

The pressing need for bungalows outlined within the recently published 'Size, Type and Tenure of New Homes' SPD is acknowledged and the application site represents a unique opportunity to deliver 3 open market bungalows in a location with high demand for such accommodation. The provision of bungalows is considered to off-set any aspirations for affordable units.”

- 5.11 The applicant also contends that in the submissions for allocating the site, put forward by Redrow, the developer was not in control of the application site at any point. The applicant was approached by Redrow but no agreement was in place. The applicant therefore considers that the site should not have been brought into the allocation as the application site was not available (i.e. the boundary of the allocation should have reflected the original SHLAA).
- 5.12 Clayhithe Mews and Howlett Close identified by the applicant are outside the allocated site EM1 and therefore were considered independent of the allocation's expectations for affordable housing, under which all developments of 14 or fewer houses within Service Centres do not need to include any affordable housing. The applicant argues that the same applies to the portion (at approximately 50% and includes the access to the site) of this application site that is beyond site EM1.
- 5.13 It is noted that the site could not be delivered through the allocation alone and requires other land to achieve an access. The access and amenity space to plot 3 are outside of the allocation. Both are critical areas, the access to the site is the only remaining access point and the amenity area is needed in terms of ensuring a satisfactory layout, amenity space and relationship to the character of the area. As

such the site could not be delivered without land outside the allocation. However, it is equally true that the unallocated land is in two narrow strips, neither of which is capable of accommodating a dwelling. Therefore a housing development is only possible if land allocated for that purpose under policy EM1 is included.

- 5.14 The Court of Appeal has on 11 May 2016 upheld the Government's challenge to the High Court's Judgement which resulted in the removal of the Written Ministerial Statement on affordable housing thresholds. This aspect of Government policy is clear in that it seeks to support small housebuilders and reduce the financial impact of local policy requirements for affordable housing and tariff-style contributions secured by planning obligations.
- 5.15 Judgement needs to be made in this instance having regard to the way the site includes allocated and unallocated housing land. The subdivision of site EM1 does not mean that any part is exempted from the policy requirement to deliver affordable housing. As the site is split between allocated and unallocated (approximately 68% of the site is allocated) it is considered that a financial contribution equating to approximately 32% of 3 dwellings (i.e. 0.89 of a 2 bedroom dwelling or £58,028) should be sought if viable.
- 5.16 A viability assessment has been submitted to the Council demonstrating that the development cannot support financial contributions towards affordable housing. The assessment is being reviewed for the Council and the response will be reported to the Committee meeting.
- 5.17 Taking into account all of the above, leads on balancing the issues to a recommendation that setting aside an affordable housing contribution is appropriate in this instance.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
  3. The Reserved Matters shall be brought forward in a manner that reflects the details submitted on drawing 1586/11 Rev A which shows three detached single storey dwellings and associated garaging.
  4. As part of the Reserved Matters submission, details of boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

5. 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.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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. As part of the Reserved Matters submission details of foul and surface water drainage shall be submitted to and agreed in writing. The submitted details shall also indicate how the existing 3" cast iron water main (with a valve & fire hydrant) will be affected by the access road that serves the current site. The approved details shall be implemented in accordance with the approved details prior to first occupation of the development.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To define the permission and to ensure that the development is brought forward within the parameters and details of the outline planning permission.



4. To ensure satisfactory development of the site and to safeguard the amenities of neighbours.
5. In accordance with Policy DP3 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.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
8. In accordance with Policy and in the interests of highway safety.
9. To ensure satisfactory drainage from the site and having regard to existing drainage infrastructure.

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**Parish: Huby**

Ward: Huby

**8**

**16/00579/FUL**

Committee Date: 21 July 2016

Officer dealing: Mr Andrew Thompson

Target Date: 20 May 2016

Extension agreed until: 22 July 2016

**Siting of a log cabin for use as a dwelling  
at Swallow House, Brownmoor Lane, Huby  
for Mrs Sylvia Robinson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks permission for the construction of a detached log cabin style dwelling of Scandinavian origin on land between Red House and Swallow House, Brownmoor Lane, Huby to the south of Sutton Road. The application site is outside the Development Limits of Huby
- 1.2 The application site is located to the south of Huby, approximately 550m from the boundary of Development Limits main village, and a further 220m from the village shop. The proposed site lies south of a group of dwellings that lie between Huby and Sutton-on-the-Forest. There are bus stops close to the junction of Brownmoor Lane and Sutton Road which are approximately 140m north of the application site.
- 1.3 The application site is relatively flat with trees on the boundary to the front (west) of the site. The land is used for the grazing of horses.
- 1.4 The proposed dwelling would measure approximately 12m by 5.6m and would be approximately 3.5m to the eaves with a total height of 6.5m. The proposal would include a large glazed frontage feature with dormer windows to the front, side and rear elevations.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is no relevant planning history for this site.
- 2.2 Planning permissions 15/01063/OUT (Outline planning application for the construction of a 4 bedroom dwelling) and the linked proposal 15/01509/FUL (Change of use of Rowan Brea to a bed and breakfast guesthouse) were both granted in September 2015. The sites are located on the opposite site of Brownmoor Lane, to the northwest of the application site.

**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 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 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 - objects to this application as it is contrary to the present development area.
- 4.2 Highway Authority - No objections subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Scientific Officer (contaminated land) - No objection.
- 4.5 Public comment - No comments received.

#### **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 and countryside; and (iv) highway issues.

##### Principle

- 5.2 Huby in the revised Settlement Hierarchy 2014 is a Service Village elevated from a Secondary Village within the Settlement Hierarchy set out in policy CP4. The adopted Interim Policy Guidance (IPG) provides for a more flexible approach for consideration of new development at the edge of settlements, bridging the gap between the wording of CP4 and the NPPF. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, 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".
- 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. The application site is within walking distance of Huby, a tarmac footway with some lighting runs parallel with the road (Bell Lane) between Huby and Sutton on the Forest. Services in Huby include public house, village store, primary school, village hall and other facilities. The site is accessible as there is a bus stop on Bell Lane. It is considered that the site would have the prospect of supporting local services.
- 5.6 Whilst the proposed dwelling would be between the buildings of Red House and Swallow House, which are substantial properties, it would not be well related to Huby itself. The site is approximately 550m from the Development Limits of Huby and set beyond a small group of housing. It is therefore considered to be an isolated location and not able to conform to the IPG criteria. The proposed dwelling is further from the village than the developments at Rowan Brea where a judgement was made in the assessment of 15/01063/OUT and 15/01509/FUL, where development was approved on grounds of the tourism exception allowed by LDF policy CP4.
- 5.7 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure.

#### Residential amenity

- 5.8 The site is large enough to accommodate a dwelling, sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity with nearby properties to the north and south (Red House and Swallow House) some distance from the application proposals. Any loss of amenity would not be significant.

#### Character of the development and countryside

- 5.9 The application site is located between two traditional brick and tile dwellings and the field is reasonably open in character though bounded by trees to the west. The use of a log cabin modular design could allow for high levels of sustainability in terms of construction. Appropriate landscaping to the boundaries could be introduced in a manner to be in keeping with the area and enhance the local landscape.
- 5.10 The formation of a further dwelling with its domestic curtilage would have a harmful impact upon the character of the landscape through the addition of domestic paraphernalia.
- 5.11 The dwelling shown is of a form that is not commonplace or in keeping with local vernacular designs. The use of timber as an external surface has been widely used for commercial buildings (both for agricultural use and for tourism) but are still relatively unusual in this area for residential properties. The design proposed has no local relevance. The property is set on a raised veranda. The roof form, in terms of shapes and varied pitches and materials is unlike any other dwellings in the vicinity, combined with the log construction and glazing arrangement would create a property

with a strong character but not one that respects local context where brick and tile buildings predominate. Whilst the LDF Policy CP17 support sustainable forms of construction the policy also requires development to be of a high quality and respect and enhance local context.

- 5.12 Overall it is considered that the proposal would not be in keeping with the character of the area and the countryside setting.

#### Highways

- 5.10 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The proposal would be capable of promoting alternative modes of transport and would be capable of accessing shops and services by foot and alternative modes of transport but the route itself would be unlit and therefore unlikely to be used by other means than the private car.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The application site is in a rural location which is relatively remote and isolated from shops, services and the built form of the village of Huby. The proposal would therefore be in an unsustainable location, reliant on the private car and would not contribute towards a sustainable pattern of development in the District. The proposal would be contrary to the objectives of national policy, Local Development Framework policies CP1, CP2, CP4, DP1, DP3, DP9, DP10 and DP30, as amplified by the Council's Adopted Interim Planning Guidance, which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities.
  2. The proposal is contrary to the Local Development Framework Policy CP17 and DP32 as the materials and design do not respect and will not enhance the local context and distinctiveness and as a consequence will not result in a high quality of design.

**Parish: Hutton Rudby**  
Ward: Hutton Rudby  
**9**

Committee Date : 21 July 2016  
Officer dealing : Mrs B Robinson  
Target Date: 4 June 2016  
Date of extension of time (if agreed): 22 July 2016

**16/00812/FUL**

**Construction of new three bedroom dwelling and associated parking, garden and vehicle turning area.**

**at Hill Top East Side Hutton Rudby North Yorkshire  
for Mr & Mrs S Bury.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is part of a garden accessed from a single width driveway off a parking area at East Side. Inside the site there is a flat area at the south end and the land then falls towards the existing house, Hill Top, approximately 70m to the north. To the east, beyond the site the land falls steeply towards no 2 Levenside (76m away). To the west there is a steep wooded bank down to the road, just beyond the east boundary of the site. To the east there is a mature sycamore tree, set at a lower level. There are other trees on the bank to the east of the site.
- 1.2 Immediately to the south of the site there is a two storey building associated with no 18 East Side which has the appearance of an agricultural store. The building has windows at first floor facing towards the site, and appears to be disused.
- 1.3 The current application is for full planning permission for a single dwelling. The proposed house is two storey and is positioned parallel with the existing drive.
- 1.4 As amended the proposed house is a simple two storey house, constructed of brick, with pantile roof. The north end elevation has a continuous bay at first and second floor. Two parking spaces are to be provided on the north side, and a vehicle turning area on the north side of the existing drive to Hill Top. The proposed details show gabions on the east boundary, at the top of the slope.
- 1.5 The application includes details of bricks and tiles and a prospective 'screw pile' construction to foundations, and proposed system of sustainable drainage.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 15/01113/OUT Outline consent for a bungalow with dormers. Granted 22.07.2015 (NB - this approval was not conditioned to be particular type of house).

**3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework (NPPF)

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - The Council are concerned with the access to this development and think it is an over-development of the site, particularly with a view to the retaining wall beneath it which borders Hutton Bank. The Council request a site visit.
- 4.2 Highways - conditions recommended.
- 4.3 Environmental Health (contamination). No sources of contamination identified.
- 4.4 Northumbrian Water. No comments.
- 4.5 Neighbours and Site Notice -  
Objections:
- House not as approved in outline, overlooking, stability of slope, loss of sunlight.
  - House looks large for the site. Dominant on skyline and restriction of light (to Levenside). Overlooking to gardens.
  - Concerns about effect on trees and wildlife, including bats - lack of method statement for parking area, tree report not accurate, previous and proposed works harmful to bats.
  - Harm to tree roots arising from raised ground level and gabions.
  - Highway safety concerns - speed of traffic. Visibility.
- Support:
- One expression of support received.

#### **5.0 OBSERVATIONS**

- 5.1 The site is within the settlement limits of a service village and a single new house is acceptable in principle subject to other relevant policies of the Local Plan. Issues to consider therefore are design (CP17 and DP32), impact on the surroundings, with particular reference to the character of the Conservation Area and local landscape features including trees (CP16, CP17, DP28, DP31 DP32), whether there would be any harmful effects on the amenities of neighbouring occupiers (CP1 and DP1) and issues of highway safety.

##### Design

- 5.2 The proposed house is appropriately simple in design and the use of bricks with clay roof tiles, will be in keeping with the appearance of neighbouring buildings and the character of the Conservation Area. It is noted that the site is relatively well screened from general public view, due to its set back position and the tree covered roadside bank adjacent to the road.

##### Trees

- 5.3 Trees are a significant feature in the locality and an arboricultural method statement submitted with the application identifies measures to minimise harm to neighbouring trees, particularly the adjacent sycamore tree close to the east boundary. The measures include ground protection during construction, mini piling or pad and beam foundations, with pre installation investigations to identify key roots, and supervision by an arboriculturalist during construction.
- 5.4 Following concerns raised by the Parish Council the views of an independent arborist were sought about potential for harm arising from the supporting gabions which have already been installed on the site. Their view is that to avoid harm to the tree, the gabions should be removed, and the soil aerated.
- 5.5 More appropriate measures to stabilise the bank would be a cell web system 'mattress' of material filled with gravel, which would be arranged on a slope. A proprietary supplier would be able to design a suitable scheme. This solution is likely



to reduce available land by approximately 1 metre. Should Members be minded to approve the scheme a condition requiring the submission of these details is recommended.

- 5.6 Subject to the use of an appropriate methodology, the potential for harm to the tree can be minimised. A neighbour has pointed out the arboricultural method statement does not extend to the parking area and this is an issue that can be dealt with as part of a relevant condition.

#### Amenity

- 5.7 Neighbouring houses are at a significantly lower level than the site, However, they are relatively distant, and would not justify refusal on grounds of amenity.

#### Highways

- 5.8 The proposals provide for onsite parking and turning and are not objected to by the highway authority on highway safety grounds. The applicant has submitted details of a scheme to benefit use of the access at no 18 East Side in terms of improved visibility and speed control, by means of warning notices and would be an enhancement to the existing arrangements in terms of highway safety.

#### Parish Comments

- 5.9 The Parish Council consider the application to constitute an over-development of the site. However, it is considered by Officers that there is scope within the site for the development proposed without harm to the character of the area. It is noted that an application for outline planning permission has previously been approved on the site for a development of similar footprint.

- 5.10 Issues about the retaining wall can be considered in the course of a building regulations application.

- 5.11 Issues relating to amenity and visibility at the access are discussed above. With regard to bats, there is limited scope in the present proposal to address these concerns. Questions about trees are dealt with in the paragraphs above.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **Granted**, subject to the following conditions.

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 001 Rev B, 002 Rev A received by Hambleton District Council on 25 May 2016 unless otherwise approved in writing by the Local Planning Authority.

3. Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be constructed of Hathaway Brindled Clay Brick and County Pantiles.

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 hereby approved shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details of arboricultural protection including below ground construction works based on the arboricultural method statement received by Hambleton District Council 7th April 2016, and taking into account the approved house design and parking area, together with a scheme of arboricultural supervision for key stages of site development. The development shall be implemented thereafter only in accordance with the approved details or on the advice by the previously approved arboricultural officer which has been notified to and approved in writing by the Local Planning Authority.

7. Unless otherwise approved in writing by the Local Planning Authority, notwithstanding the submitted details, the parking and path areas shall be constructed of permeable materials previously approved in writing by the local planning authority.

8. The dwelling shall not be occupied until the related parking and turning facilities have been constructed in accordance with the approved drawing numbered 001 REV B Once created these parking and turning areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The development hereby approved shall not be occupied except in accordance with full details of a scheme of additional highway safety measures previously approved in writing by the Local Planning Authority.

10. Notwithstanding the submitted details, development shall not commence except fully in accordance with a scheme to support the east boundary, which also protects trees in the locality, which has been previously approved in writing by the Local Planning Authority

The reasons are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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 trees in the interests of the amenities of the surroundings in accordance with Local Development Framework policy CP16 and DP28.

7. In interests of sustainable drainage solutions in accordance with Local Development Framework Policy CP21 and DP43.
8. 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.
9. In the interests of the safety and amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.
10. In the interests in the safety and stability of the site, and the protection of features of landscape importance in the Conservation Area, in accordance with Local Development Framework Policy CP 16 and DP28.

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**Parish: Morton-on-Swale**  
Ward: Morton on Swale  
**10**

Committee Date: 21 July 2016  
Officer dealing: Mr Andrew Thompson  
Target Date: 3 May 2016  
Extension agreed until:

**16/00565/OUT**

**Outline permission for a detached dwelling with access and layout  
at land adjacent to 1 Swaledale Court, Morton on Swale  
for Mr S Clayton**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site lies to the rear of Swaledale Court, with the Wensleydale railway line to the north. The permitted use of the land is for the grazing of horses. There is an existing brick barn structure on the site which would be demolished as part of the proposals. Morton Hall, to the south is a Grade II Listed Building which is some 60m to the southwest with the more modern development of Dales View approximately 30m to the south and southeast of the application site.
- 1.2 This application seeks outline planning permission for the construction of a detached dwelling, indicated as a three bedroom property within the application form. The application considers access and layout. Access would be via the existing farm track between Swaledale Court and Morton Hall with the proposed dwelling to be located in the centre of the 0.1ha site. The access track running between Swaledale Court and Morton Hall is a public footpath.
- 1.3 The field is bordered by open fencing with a number of field trees in the field but none would be affected by the development.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 08/00522/FUL - Conversion of agricultural buildings to residential use; Granted 14 August 2008 (Swaledale Court to the south of the site)
- 2.2 09/00593/FUL - Change of use of land from agricultural use to equestrian and construction of a stable block; Granted 7 May 2009.

**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 DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - No comment received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Environment Agency - No objection.
- 4.5 Yorkshire Water - No comment.
- 4.6 Public comment - 3 letters of objection have been received raising the following points:
- Concerns about the access track and increase in traffic movement;
  - Increase in turn noise levels from increased traffic;
  - Loss of view by the proposed dwelling and removal of a very old small farm building replacing with a dwelling much larger directly impacting on privacy, peace and quiet;
  - Impact on wildlife and many birds;
  - Paddock being used for dirt-bikes and recreational activity; and
  - Conflict with covenants.

The applicant has responded to the comments raised questioning the validity and integrity of some of the comments raised.

#### **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 and wider countryside; (iv) impact on wildlife; and (v) highway issues.

##### Principle

- 5.2 Morton on Swale is a service village within the Settlement Hierarchy set out in policy CP4 and in the adopted Interim Policy Guidance (IPG) 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 Morton on Swale, unless one of six exceptions can be applied.
- 5.3 With regard to the exceptions to CP4, the existing brick barn structure should be considered as material. The barn is in a dilapidated state without a roof. Due to the change of use of the land to equestrian use, the barn could be considered to be previously developed land however the NPPF glossary excludes instances where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. Nonetheless the proposal is to utilise and demolish the existing structure and replace it, reusing the existing bricks. Whilst the replacement of the building might be argued to be an improvement to the environment and potentially an improvement to the setting of Morton Hall as a heritage asset, this type of tumble down ruin is a common sight and might of itself be argued to contribute to the character of the area.

- 5.4 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".
- 5.5 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."
- 5.6 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right. The proposal would not alter this view. The site is approximately 30m from the Development Limits of Morton on Swale so the dwelling would be relatively close to the existing village. However, it would appear independent of the village and as a possible first element in a new line of development behind Swaledale Court and Morton Hall. As such, the precise location does not allow development that would meet the second criterion of the IPG. As such, the proposal is considered to be remote from the built form and would be contrary to the aims of sustainable development.
- 5.7 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure.

#### Residential amenity

- 5.8 The site is large enough to accommodate a dwelling but not so large as to dominate the surrounding area. The proposals are sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity with nearby properties to the south some distance from the application proposals. Any loss of amenity would not be significant with the capability to design windows away from neighbouring properties, which in any event are of a suitable distance from the site.

#### Character of the village and countryside

- 5.9 The application site is located to the rear of the main settlement and separated from the development form by an intervening field. Whilst a small scale development could be designed to reflect the local agricultural vernacular of the existing barn building it is considered that the development of the site is not in-keeping with the development

form of the village and therefore the proposal is not considered to be in keeping with the character and form of the village nor with the aims and objectives of policy.

#### Impact on wildlife

- 5.10 The concerns of residents are noted with regard to wildlife. It is noted that the proposal would not impact on any of the existing field trees or ecological features in the field. It is therefore considered that a satisfactory dwelling could be delivered without causing harm to any habitats, trees and that suitable landscaping could enhance the character of the area.
- 5.11 Whilst no specific species surveys have been carried to inform the application, the building is in a poor state of repair, without roof and is not considered to be a suitable location for bat or protected bird habitat.

#### Highways

- 5.12 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The detached dwelling would be located on a private road not maintained by the Local Highway Authority but access to the site is along established and a well-formed track. There is a passing point in front of Morton Hall which would allow cars to pass without incident. Further there are also other areas around the field access and Swaledale Court parking area where cars could pull aside without causing harm to highway safety. The proposal is considered to be acceptable and the additional dwelling above the existing use of the drive would not cause highway safety concerns.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason(s)
1. The application site is in a rural location which is relatively remote and isolated from shops, services and the built form of the village of Morton-on-Swale. The proposal would therefore be in an unsustainable location, reliant on the private car and would not contribute towards a sustainable pattern of development in the District. The proposal would be contrary to the objectives of national policy, Local Development Framework policies CP1, CP2, CP4, DP1, DP3, DP9, DP10 and DP30, as amplified by the Council's Adopted Interim Planning Guidance, which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities.



**Parish: Northallerton**  
Ward: Northallerton South  
**11**

Committee Date : 21 July 2016  
Officer dealing : Mr Peter Jones  
Target Date: 26 July 2016  
Date of extension of time (if agreed):

**16/01240/FUL**

**Proposed side extension to existing dwelling.  
at 11 Millfield Crescent Northallerton North Yorkshire DL6 1AY  
for Mr & Mrs P Sunley.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is at the end of Millfield Crescent in Northallerton. This is a quiet residential cul-de-sac. The application site is occupied by a detached bungalow set in the centre of the plot. The bungalow is formed in red brick with a concrete tile roof and UPVC windows and doors.
- 1.2 The boundary to the west of the bungalow is formed by a 1.5m high close boarded fence, whilst the southern boundary is formed by a line of tall trees.
- 1.3 The current application is for a side extension to the west elevation of the property, which would extend the form of the existing bungalow to form the new extension.

**3.0 RELEVANT PLANNING POLICIES:**

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

Development Policies DP1 - Protecting amenity  
Development Policies DP32 - General design  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
National Planning Policy Framework - published 27 March 2012

**4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Site Notice posted. No neighbour comments received.
- 4.2 Northallerton Town Council - No objections.

**5.0 OBSERVATIONS**

- 5.1 The main issues to consider in this case are; i) whether the development has any detrimental impact on the character or appearance of the host dwelling and ii) whether the development has any detrimental impact on the amenity of the occupiers of any neighbouring property.

Design and form

- 5.2 The application is for an extension to the existing bungalow. This extension effectively extends the development form to the side of the property. The existing bungalow is relatively diminutive in form with a pyramidal roof. The proposed extension will create a slightly more elongated ridged form extending the new ridge directly out from the existing roof form.
- 5.3 The Council's guidance on house extensions would normally seek a set down from the ridge line and a set back from the original facade in order to create an extension

that was subservient in form to the original dwelling. However, in this case taking into consideration the design and form of the existing bungalow, the size of the plot and the relationship to other properties in the vicinity, the lack of compliance is not significant in this case and will result in an acceptable development form, which is reflected elsewhere in the estate.

#### Residential Amenity

- 5.4 Thanks to the height, location and orientation of the proposed single storey extension, the proposed development will have no significant detrimental impact on the residential amenity of any neighbouring property in terms of privacy, daylighting or overshadowing.

#### Summary

- 5.5 Whilst the proposed development does not wholly comply with adopted guidance on house extensions, the proposed extension to this bungalow is not considered to be harmful to the character or appearance of the host dwelling, nor to the amenity of the occupiers of neighbouring dwellings and as such the application is recommended for approval.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the conditions set out below:

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 AJC007 received by Hambleton District Council on 20 June 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.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

**Parish: Sandhutton**

Ward: Thirsk

**12**

**16/01079/FUL**

Committee Date : 21 July 2016

Officer dealing : S Leeming

Target Date: 28 July 2016

Date of extension of time (if agreed):

**Demolition of existing agricultural buildings and the construction of dwellinghouse, detached annexe building and associated works.  
at Land east of Craddock Row, Sandhutton North Yorkshire  
for Mr & Mrs Park.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks permission to demolish an existing agricultural building and construct a detached dwellinghouse with an annexe building. The site is to the east of Craddock Row, Sandhutton. There are Development Limits drawn for Sandhutton and the site therefore lies outside Development Limits.
- 1.2 The site is presently occupied by a large agricultural building constructed of sheeting/boarding and blockwork which is located in the centre of the site. There is extensive tree and hedge planting to the south, east and western boundaries but it is presently open to the northern boundary with a field beyond.
- 1.3 The proposal is to demolish the agricultural building and construct on the site a detached dwellinghouse with an annexe building to the eastern side. The dwelling will be accessed from Craddock Row utilising the existing gated vehicular access point and a new northern boundary will be formed running approximately in line with the rear garden boundaries of the terraced dwellings of Craddock Row.
- 1.4 The proposed dwelling is to have a large open plan living area on the ground floor together with 2 bedrooms and an integral double garage. At first floor level there is proposed additional living space, a master bedroom suite, a study and 2 further bedrooms. The dwelling is of a contemporary design with a large amount of glazing proposed but has also been designed to reflect an agricultural building in terms of its setting and the use of materials. It is proposed to be natural stone with timber cladding with the roof materials not yet confirmed.
- 1.5 The proposed annexe building will be sited at the main entrance to the site and will consist of an office at ground floor with a cinema room above. This has been designed to reflect a cart shed and is to be of stone construction.

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

- 2.1 08/00597/OUT- outline application for residential development. Refused 2008 due to the site falling outside development limits.

## **3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Interim Guidance Note - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Development Policies DP9 - Development outside Development Limits

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council raise the following points "There are concerns from residents and the Parish Council in respect of the access road (Craddock Row).  
PC would like to know who owns this?  
Concerns have been raised regarding the impact of heavy traffic on the road and damage this may cause.  
Action for the access road to be repaired and brought to appropriate adopted standards  
Has a road been left for future further development?"
- 4.2 NYCC Highways have no objections to the proposal and recommend a condition regarding provision of car parking spaces.
- 4.3 EHO Senior Scientific Officer - "The PALC form submitted in support of the above application does not identify any potential sources of contamination and therefore I do not have any objections to this scheme."
- 4.4 EHO - no objections.
- 4.5 Neighbours/site notice expired 30 June. No response.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, together with an assessment of the impact upon the appearance of the area, highway safety and neighbours' amenities.
- 5.2 The village of Sandhutton does not have any development limits as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy. Within this updated hierarchy Sandhutton has been designated as a Secondary Village.
- 5.4 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by

maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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

5.5 As Sandhutton has been designated a Secondary Village it is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Sandhutton it is noted that the dwellings on Craddock Row form the edge of the built up area to the Northern end of the village and the application site lies immediately adjacent to Craddock Row,

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed single dwelling is small scale development within a field that in terms of siting continues the form of development on Craddock Row without harm to the rural character and setting of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

5.7 It is considered that the construction of a dwelling adjacent to the row of properties on Craddock View would have minimal visual impact upon the rural character of the area given the fact that it is to be sited so as to run almost parallel with the dwellings with the domestic curtilage boundary continuing along from the established rear boundary line. It will replace an existing building which again will help to reduce its visual impact as the access and setting of site will be unchanged.

5.8 As such it is considered that the development proposed will appropriately respect the general built form of the village. There is no evidence to challenge the assessment that the development can be accommodated by the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

5.9 The dwelling is to be large but as stated by the Agent has been designed in part to reflect an agricultural building. Overall its general design and materials are considered acceptable on this site and the extensive landscape screening to 3 sides will help to integrate the new development within the area. The existing boundary

planting is to be retained and a landscape condition recommended to ensure satisfactory planting and boundary treatment to the northern boundary.

- 5.10 The office use shown within the annex has been queried with the Agent and his response is awaited. Given the concerns raised regarding the level of traffic on Craddock Row it is considered appropriate to establish how the proposed office use would operate, to understand whether it would result in significant numbers of visitors or additional employees that would may give rise to additional vehicle movements and whether this would give rise to potential harm to the amenity of neighbours.
- 5.11 It is noted that NYCC Highways have no objections to the proposal. The Parish Council have queried ownership of the access road and the Agents have clarified this is unadopted and also noted that "Historically, the site access has accommodated the movement of large agricultural vehicles including heavy grain wagons and tractor trailers. The proposals relate to a single dwelling which would generate a limited number of daily, small vehicle, transport movements. The anticipated level of proposed movements would be comparable to, if not lower than the movements associated with the historical permitted use of the site for agricultural purposes."
- 5.12 Due to the siting of the proposed dwelling and the level of landscape screening to the boundaries it is considered that the proposal will not have any significant harmful impact upon the amenities of the neighbours through overlooking or loss of privacy.
- 5.13 An Ecological Survey has been submitted with the application which concludes that there is small amount of evidence of bats and a low to moderate risk of bat roost potential so further surveys are recommended prior to construction. In addition it is recommended that works are undertaken outside the breeding bird season.
- 5.14 Subject to a satisfactory response regarding the office use this application is recommended for approval.

## **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S232 PL004 - PL009 received by Hambleton District Council on 10 May 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. 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.

5. No part of the existing boundary hedge and trees along the east, south and west boundaries of the site shall be uprooted or removed and shall not be reduced below a height of 3m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference S232 PL OO5. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. The development shall only be carried out in complete accordance with the recommendations detailed in the Ecological Survey Report carried out by Quants Environmental Ltd dated April 2016 and June 2016

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) 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 help assimilate the development within the rural landscape.

5. The hedge and trees are of important local amenity value and protection of them is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

6. 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.

7. In order to safeguard protected species and breeding birds

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**Parish: Skutterskelfe**  
Ward: Hutton Rudby  
**13**

Committee Date: 21 July 2016  
Officer dealing: Mrs B Robinson  
Target Date: 28 March 2016  
Extension of Time Agreed to: 22 July 2016

**16/00200/FUL**

**Change of use of land to allow the siting of a larger caravan as an extension to the approved private gypsy site for one family at OS Field 5045, Skutterskelfe for Mr Thomas Foster**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies approximately 3 miles west of Stokesley, and approximately 200m east of a scatter of houses in the proximity of Thoraldby Farm and approximately 100m to the east of the Ranch House, a nearby community building. The site is approximately 50m back from the road. There is single row of coniferous trees along the east side of the track, and along the north boundary of the site. The track and the open parts of the site are hard-surfaced.
- 1.2 The existing site includes a static caravan, a timber clad stable building and an agricultural/storage building approximately 14m x 8.5m, with brick facing to lower parts and dark green corrugated sheeting to upper parts. To the south of the site there is a pony paddock.
- 1.3 The proposal is to extend the approved site, increasing the area by 270sqm (a rectangular area measuring 27m x 10m), to allow for the siting of a 'twin unit' caravan. The larger unit is stated to be required to meet the family needs of the occupiers, as a third child is expected. The dimensions of the twin unit caravan are 14m x 6m. A supporting statement submitted with the application notes that the proposed extension would allow the locating of the double unit, whilst enabling required parking and turning space on the site.

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

- 2.1 2/90/134/0040 - Use of land as a riding school, construction of stables and provision of associated facilities; Refused 16 November 1990, Appeal dismissed 11 April 1991.
- 2.2 2/91/134/0040A - Agricultural building for rearing calves; Refused 28 June 1991.
- 2.3 2/91/134/0040B - Agricultural building for rearing calves; Granted 22 August 1991 (following improvements to visibility from 2/91/134/0040A).
- 2.4 2/92/134/0040C - Siting of a residential caravan; Withdrawn 18 September 1992.
- 2.5 2/93/134/0040D - Use of agricultural building and land for the stabling and exercising of horses; Refused 25 June 1993 (access)
- 2.6 2/93/134/0040E Use of existing agricultural building and land for the stabling and exercising of horses; Granted 14 January 1994. (S106 agreement with owner of neighbouring land to keep hedge cut back).
- 2.7 11/01695/FUL - Retrospective application for a change of use of equestrian land to a mixed equestrian use and use as a private gypsy pitch for one family; Granted 12 January 2012.

2.8 12/01621/FUL - Retrospective application for change of use of part of existing stable building to utility room and bathroom; Granted 17 October 2012.

### **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 CP1 - Sustainable development  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Development Policies DP14 - Gypsies and travellers' sites  
Planning Policy for Traveller Sites (August 2015)  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council - The Council recommends refusal. This is on a new site and does not seem to be replacing a caravan. More agricultural land will be concreted over. The Council has asked District Councillor Mrs Fortune to call in this application.

4.2 Public comment - 8 objections received, summarised as:

- The existing site is big enough for a single family and intrusion into agricultural land is therefore not justified;
- Mains electricity is required; other fuels are hazardous;
- Approval would encourage additional development on this site and elsewhere; and
- Not in keeping with other, substantial family homes locally.
- Danger of Tame Bridge Skutterskelfe becoming populated by traveller homes, detrimental to other property owners.
- Site is big enough. Site has accommodated another static caravan and other touring caravans over the summer.
- Query absence of horses in the field, and use of additional buildings.
- Query water supply and sewage treatment – existing field drains are at capacity

### **5.0 OBSERVATIONS**

5.1 The proposal is an extension of an existing site to allow a larger caravan to meet the current occupiers' needs and it is not proposed to accommodate new or additional gypsy families or an increase in caravan numbers. Therefore the principle of a gypsy site is not part of the consideration of this application.

5.2 The issues to consider therefore are whether the site as now proposed remains in accordance with the criteria of policy DP14 which detail the factors against which Gypsy and Traveller development should be tested.

5.3 Development Policy DP14 sets out a number of criteria to consider in the establishment of a Gypsy and Traveller site. It is considered that these criteria are pertinent to the proposed extension of this site. The following paragraphs discuss whether or not the proposed development would meet these criteria.

#### Criterion (i): location

5.4 The location was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and no change is proposed now.

Criteria (ii) and (iii): living environment and appropriate size

- 5.5 The proposed site extension is intended to accommodate a larger caravan, and the needs of an increasing family are a material justification for a larger unit. The applicants are expecting a 3<sup>rd</sup> child and the existing unit has only two modest bedrooms. The site would be extended by 24%, from a relatively modest starting point. Options to site the caravan within the existing site have been explored with the applicant. Further information was supplied showing a potential alternative siting within the existing boundaries, taking account of the license conditions with regard to distance from boundaries, and access roads. Whilst the applicant has been asked to consider siting within the existing site boundaries they state that the resulting siting would make manoeuvring around the site awkward, especially for larger vehicles, and the scheme as proposed will be safer in offsetting the residential unit from the area of vehicle activity.

Criterion (iv): safe and convenient road access

- 5.6 The access was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and no change to the access is proposed now.

Criterion (v): the amenity of neighbouring occupiers and the character and appearance of the local surroundings

- 5.7 As proposed, the site would remain well separated from neighbouring residential properties, the nearest of which is approximately 100m away. The proposed unit would be glimpsed from the road and from access tracks to the south. However, viewed in the context of the existing site it would not be visually obtrusive or harmful to the surrounding countryside, particularly taking into account that additional landscaping can be required by condition.

Criterion (vi): contamination

- 5.8 The current site was considered acceptable under this criterion when application 11/01695/FUL was granted in January 2012 and the submitted PALC does not highlight any potential contamination risks.

Neighbour comments

- 5.9 Issues regarding the justification for the larger unit are discussed above. With regard to comments about intensification and number of gypsy sites in the vicinity, the overall number of gypsy sites is not affected by this proposal. Similarly, the demands on water and sewage will be of a similar order. A dwelling of a similar type to others in the vicinity would have the effect of changing the character of the site to residential and in the absence of any other justification would be contrary to policy in this location. Visiting caravans may be part of a normal gypsy lifestyle, and concerns can be investigated as required.

5.10 Other issues

The approval 11/01695/FUL was granted for gypsy use under the terms of the ODPM Circular 01/2006 which applied at the time of the decision. The 2015 Planning Policy for Traveller Sites defines gypsies and Travellers as: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus-people travelling together as such."

The 2015 changes to the definition of Gypsies and Travellers set the requirement for occupancy of Gypsy sites for new sites, but does not require that it should be applied in retrospect to existing sites approved under the earlier definition. The inclusion of the occupancy condition for the Gypsy family based on the new definition for Gypsies and Travellers could preclude the current occupier from occupying the revised site area. Therefore, although the present occupier has not demonstrated a nomadic lifestyle, less weight should be given to this point in this case. It is considered to be reasonable to apply the same occupancy condition as was applied to the original grant of planning permission under the old definition of Gypsies and Travellers to the additional parcel of land if this application is approved.

## 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 26 January and 1 February 2016 unless otherwise agreed in writing by the Local Planning Authority.
3. The site as hereby approved shall not be used other than as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
4. The number of caravans on the site as hereby extended shall be restricted to no more than one static caravan and one touring caravan.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. The use hereby approved shall not commence until there has been submitted to the Local Planning Authority, for approval, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP8 and DP14.
3. To ensure the site is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.

4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30
5. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP16 and DP30.

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**Parish: Snape with Thorp**

Ward: Tanfield

**14**

Committee Date : 21 July 2016

Officer dealing : Mrs H M Laws

Target Date: 9 May 2016

Date of extension of time (if agreed): 29 July 2016

**16/00491/MRC**

**Removal of Condition 17 attached to Application 05/01968/FUL (Alterations and extensions to existing agricultural buildings and dovecote to form 2 dwellings) to allow unrestricted occupancy of manager's dwelling (Snape Castle Mews) as amended by email and plan received by Hambleton District Council on 24 June and 1 July 2016. at Snape Castle Mews Snape North Yorkshire DL8 2TJ for Mr David Shipp.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Snape Castle Mews lies immediately to the east of Snape Castle (a Scheduled Ancient Monument and a Grade I listed building) on the northern side of the road leading into the village from the west. The site lies within the Snape Conservation Area.
- 1.2 Snape Castle Mews is part of a walled courtyard development comprising a main dwelling and three units of holiday accommodation. The main dwelling house is the subject of this application. The dwelling forms the heel of an L-shaped group of buildings, which include the three units of holiday accommodation which are not part of this application.
- 1.3 The site is accessed from the village road with parking and turning facilities provided within the courtyard.
- 1.4 A neighbouring property known as Snape Castle Barn lies to the east of the Mews, which is also excluded from the application site.
- 1.5 Planning permission was granted in January 2006 for alterations and extensions to existing agricultural buildings and dove cote to form 2 dwellings, 1 holiday unit, offices and storage. The application site included what are now known as Snape Castle Mews, Snape Castle Barn and the holiday units. Planning permission was granted subject to several conditions, one of which required the approved dwellings to be occupied by the owners or managers of the holiday units and commercial premises (now also holiday units).
- 1.6 A later revised planning application was submitted in respect of the dwelling and associated buildings at Snape Castle Barn, which was granted permission without a restrictive occupancy condition on the dwelling. Condition 17 of the 2006 permission (05/01968/FUL - paragraph 2.1 below) now relates only to the dwelling at Snape Castle Mews.
- 1.7 It is proposed to remove this condition to allow unrestricted occupancy of Snape Castle Mews, so that it does not need to be occupied by an owner or manager of the holiday units.

## **2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 05/01968/FUL - Alterations and extensions to existing agricultural buildings and dove cote to form 2 dwellings, 1 holiday unit, offices and storage. Permission granted 16/1/2006 subject to the following condition:

*17 - The buildings to be converted to residential use shall not be occupied at any time other than by the owners or persons having day to day management*

*responsibility for the attached holiday letting accommodation and commercial premises, or the dependants of such persons. The use of the premises for residential purposes shall, unless otherwise agreed in writing with the Local Planning Authority, cease at any time when the attached accommodation is not being offered, or available for use, for holiday letting and commercial purposes.*

*The reason for this condition: In order to ensure compliance with policy H27 of the Hambleton District-Wide Local Plan in respect of the conversion of agricultural buildings outside development limits.*

- 2.2 06/02471/FUL (Snape Castle Barn only) - Revised application for alterations and extensions to existing agricultural building and dovecote to form 1 dwelling, 1 holiday unit, offices and storage. Permission granted 18/1/2007. A condition was not imposed to restrict the occupancy of Snape Castle Barn.

### **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 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 (expiry date for consultations 7/7/2016).
- 4.2 Site notice/local residents - no comments received (expiry date for representations 7/7/2016)

### **5.0 OBSERVATIONS**

- 5.1 The issues to be considered include the principle of creating a new unrestricted dwelling in this location and the potential impact on the amenity of residents of the development and neighbouring occupiers.
- 5.2 The proposed development does not include any alterations externally and therefore there would be no impact on the appearance of the existing building or the surrounding locality.
- 5.3 The variation of the planning condition would allow unrestricted occupancy of the dwelling, which lies outside the Development Limits of Snape. The original policy basis for this condition (Policy H27 of the District Wide Local Plan) no longer applies and the relevant policies for the determination of this application are now contained within the Local Development Framework as listed above at paragraph 3.
- 5.4 Snape is defined in Policy CP4 as a Service Village with existing facilities including a primary school, a pub, a shop and church, which add to the sustainability of the village. The Interim Planning Guidance (IPG) also defines Snape as a Service Village. Although the dwelling lies approximately 30m from the edge of the



Development Limit boundary there is a footway link into the village and it is considered that an additional dwelling would help to support local services and therefore satisfies criterion 1 of the IPG.

- 5.5 The proposed development complies with the remaining criteria of the IPG as the development already exists and would not adversely affect the character or appearance of the village or the surrounding countryside.
- 5.6 The dwelling lies within the shared courtyard with three holiday units and would therefore be in close proximity to holidaymakers, which may give rise to greater noise and disturbance. Although the courtyard is shared, each of the properties has a separate amenity area to the rear, which would provide a private area that would not be overlooked. There is adequate space for parking within the courtyard to reduce the potential for conflict. It is considered that the unrestricted occupancy of the dwelling would be in accordance with LDF Policy DP1.
- 5.7 The use as an unrestricted dwelling would not have any effect on highway matters.
- 5.8 The proposed variation of the condition is acceptable and approval of the application is recommended.

## **6.0 RECOMMENDATION**

- 6.1 Subject to any outstanding consultations that the application be **GRANTED** subject to the following conditions:

1. 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.

2. Parking, manoeuvring and turning areas as shown on drawing 2140-6 Rev. A (05/01968/FUL) shall be maintained clear of any obstruction and retained for their intended uses at all times.

3. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

4. The occupation of the holiday letting accommodation hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than eight weeks consecutively.

5. The permission hereby granted shall not be undertaken other than in complete accordance with drawing number HDC/1280/01 received on 24 June 2016, unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP1, CP16, DP1 and DP28.

2. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP1, CP16, DP1 and DP28.
3. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP16 and DP28.
4. The site has been granted permission for such purpose in view of the potential economic benefit to the local economy of its use for holiday letting purposes in accordance with LDF Policies CP1, CP2 and CP4.
5. 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 LDF Policies.

**Parish: Sowerby**  
Ward: Sowerby & Topcliffe  
**15**

Committee Date : 21 July 2016  
Officer dealing : S Leeming  
Target Date: 28 July 2016  
Date of extension of time (if agreed):

**16/01287/FUL**

**Extension to existing agricultural building for the accommodation of pigs.  
at Willow Grange Worlds End Sandholmes Lane Sowerby  
for Mr & Mrs D Sanderson.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks permission for the construction of an extension to an existing agricultural building for the accommodation of pigs at Willow Grange, Worlds End, Sowerby. The site is accessed from Sandholmes Lane which runs parallel to the A168. It is occupied by a group of agricultural buildings and a dwelling and is sited between The Ranch Caravan Site and allotment gardens.
- 1.2 The proposal is to extend the building at the northern end of the site by constructing a 27m x 18m extension. This is to be constructed of Yorkshire boarding with blockwork below and a fibre cement sheeted roof and is to be used to accommodate pigs. It is stated that there will be no increase in pig numbers kept at the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/96/139/0489 - construction of pig building granted 1996

**3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP26 - Agricultural issues  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

**4.0 CONSULTATIONS**

- 4.1 Parish Council - response awaited
- 4.2 EHO- response awaited
- 4.3 Natural England - no comments
- 4.4 Neighbours/site notice expired 14 July.

**5.0 OBSERVATIONS**

- 5.1 The main issues are (i) the impact of the proposed building on the surrounding countryside in terms of its scale, materials and design and (ii) whether it would have a harmful impact on the amenities of any neighbours.

Impact on the countryside

- 5.2 The proposed extension is of a simple and typical agricultural design which matches that of the existing building. The use of Yorkshire boarding with blockwork and fibre cement roof sheets would satisfactorily respect the overall appearance and materials of the existing agricultural buildings on the site.

- 5.3 The proposed siting of the extension on the northern end of the existing agricultural buildings would lessen any visual impact it has upon the appearance of the surrounding area as viewed from approaching along Sandholmes Lane and as viewed from the A168 due to it being screened by the existing buildings on the site. As such it is considered that the proposed development would not have a significant harmful impact upon the appearance of the countryside.

#### Neighbour amenity

- 5.4 To the east of the site there are allotment gardens which have extensive hedgerow and other planting to the boundaries with a field beyond. As such it is considered that the proposed development will not result in any harmful impact upon the amenities of the allotment users.
- 5.5 To the west "The Ranch" caravan storage and small "CL" caravan site (a caravan site approved by an Exempt organisation) immediately adjoins the site. There is a hedgerow to the boundary between the two but this has gaps in places and provides only a small amount of screening. As such the Agent has been contacted and has submitted a landscaping scheme which indicates that along this boundary a traditional species hedgerow will be planted in order to improve this boundary. It is considered that this proposal will not significantly harm the amenities of the occupants of the neighbouring dwelling and will not result in a significant level of change to the use of adjoining land for caravanning, allotment use of caravan storage. Therefore approval is recommended for this proposal.

#### **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 005/AJC001 and 002 received by Hambleton District Council on 2 June 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 29 June 2016 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

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

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

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**Parish: Sutton-on-the-Forest**  
Ward: Huby  
**16**

Committee Date: 21 July 2016  
Officer dealing: Mr Andrew Thompson  
Target Date: 28 September 2015  
Extension agreed until: 22 July 2016

**15/01667/FUL**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application was originally reported to Planning Committee at its meeting of 3 March 2016, where it was resolved that planning permission would be granted subject to conditions. However, the assessment of the application had taken account of the fact that the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, had been declared unlawful and quashed by the High Court.
- 1.2 On that basis, the Planning Committee's resolution to grant planning permission had been subject to securing 50% affordable housing in line with Development Plan policy. Subsequent to the Committee's resolution, the Court of Appeal overturned the High Court's decision on 11 May 2016; the Planning Practice Guidance has been updated to restore the guidance to accord with the 28 November 2014 Ministerial Statement and its prevention of affordable housing contributions being secured from schemes of this scale.
- 1.3 The matter is presented to Planning Committee again for decision in view of this significant policy change to enable members to decide whether the scheme should still be approved without the affordable housing contribution.
- 1.4 The site relates to the Blackwell Ox Public House, situated to the north-east of Sutton-on-the-Forest. The property is accessed directly from Huby Road. The Public House is a two storey, double fronted period property with rear extensions containing seven letting rooms. The property is finished in a mix of brick and render with slate and clay pantile roofing. It has a seating area to the rear and a surface car park to the west side of the building. Boundary treatments include a low brick wall, hedging and trees. The applicants state that the Public House has been closed since July 2014.
- 1.5 Permission is sought for the conversion of the public house into two dwellings, a new detached dwelling to the side on the corner with Grey Close and a further building to the rear of the public house fronting Grey Close.
- 1.6 The site is located in the Sutton-on-the-Forest Conservation Area and within the Defined Development Limits of the village. The site is located in Flood Zone 1, the lowest level of risk.

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

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

### **3.0 RELEVANT PLANNING POLICIES**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP7 - Phasing of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP5 - Community facilities  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP12 - Delivering housing on "brownfield" land  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP28 - Conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance

### **4.0 CONSULTATIONS**

4.1 Highway Authority - No objection subject to conditions

4.2 Environmental Health Officer - No objections

4.3 Yorkshire Water - no comment

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

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



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

- Overcrowding/overdevelopment
- Now no public houses in Sutton on the Forest which is a significant social and economic issue for the community.
- No need for additional dwellings
- Out of keeping with the aesthetics of Sutton on the Forest
- Would provide cheaper/smaller houses which would have a negative impact on surrounding property.
- Should be reduced to three dwellings
- Site is location on a rat run for vehicles leaving York and wanting to join the A19 while missing the outer ring road (A1237) which is also the main route for farm vehicles linking fields and storage during harvest and deliveries and is a school bus route.
- Poor access and insufficient space to manoeuvre vehicles to ensure they enter and leave Huby Road in a forward gear
- The estimated parking requirements cannot be accommodated on site
- Plot 1 has a parking area that is totally unsuitable - tracking is required to confirm that up to three vehicles can enter and leave the parking area in a forward gear
- Plot 3 only has windows facing north and west. The parking layout and minimal green space will cause conflict at the turning head of Grey Close.
- Noise pollution during development.
- Light blocked for surrounding houses
- The removal of the existing tall hedges and trees to create access to Plots 2 and 3 would result in the loss of the vital screening
- There is no indication of where refuse will be located
- The internal arrangements of some dwellings leaves no space for personal storage, coats or shoes
- The internal arrangement of some dwellings leave no space without ensuring doors are always closed in sequence

## 5.0 OBSERVATIONS

5.1 The application site is located within the Development Limits of Sutton-on-the-Forest with the principle of development accepted and supported in terms of the site being previously developed. The residential re-use of the site and conversion of the public house have also been established through planning permission in April 2015 which remains extant. The policy tests set out in Local Development Framework Policy DP5 relating to the retention of Community Facilities have already been determined to have been met and the fall-back position of the 2015 permission is a matter of significant weight in the determination of this application.

5.2 The approved scheme related to the conversion of the existing public house into a single dwelling with the existing extensions to the public house being retained. The existing car park was to be retained for at least 4 car parking spaces. The public house would now be converted into two dwellings with extensions demolished. A new dwelling would be built on the car park and a new dwelling to the rear, located on the Grey Close frontage. The application proposes four dwellings on the site at a density of 50 dwellings per hectare and incorporates a mix of small and larger dwellings. Whilst the proposed density would be higher than the surrounding area the proposals utilise the existing public house and provide a frontage to Grey Close. The increase in the amount of development on the site is considered to be appropriate, taking account also the demolition of aspects of the public house.

- 5.3 The comments of the Parish Council and neighbouring residents are noted and carefully considered. Plot 4 provides definition to the corner of the site with Grey Close. The proposed architecture of the new buildings on site would be in keeping with the surrounding area and of traditional architectural design of brick and pitched roof with the proposals providing an active frontage to the public frontages. The proposed layout and the scale of the development, including that of plot 4, as amended, is considered acceptable.
- 5.4 The proposed garages to plot 4 and plot 3 provide a frontage and enclosure to the development, and therefore whilst the gardens, in particular to plot 2 are modest in size, the proposal would present an appropriate level of amenity both to existing residents on Grey Close and to future residents of the development with the separation distances to properties on Grey Close sufficient not to cause issues in terms of loss of light, privacy or an overbearing form. The gardens would also provide space for refuse bin storage.
- 5.5 In terms of access and parking the proposals would provide appropriate parking provision on the site and the comments of the Highway Authority are noted, noting the remarks of a neighbour above, there is no requirement for all vehicles to be able to turn within the site. Access within the site will be to Building Regulation Part M standards. The proposals are therefore acceptable in highways terms.
- 5.6 The proposals are located within Flood Zone 1, and the proposals would replace an impervious area which makes up the public house car park and beer garden with gardens. The proposals are therefore likely to increase the opportunity for soakaway and natural drainage.
- 5.7 The proposals would continue to be subject to the provisions of the Community Infrastructure Levy (CIL). The implications of the loss of affordable housing are noted but it is considered this does not result in the scheme being unacceptable.
- 5.8 Overall having considered all relevant matters it is considered that the proposals are acceptable and are 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 begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2051/01, 2051/02, 2051/04A, 2051/05A, 2051/06, 2051/07, 2051/08A, and 2051/09.
  3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
  4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

5. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details.
6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 15 metres measured along both channel lines of the major road Grey Close from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 2051/04A Site Layout) and are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

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

**16/01383/FUL**

**Revised application for the demolition of existing bridge and construction of new bridge and highway over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures at Dalton Bridge, Dalton for Hambleton District Council**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 At the Planning Committee on 10<sup>th</sup> December 2015 the Committee resolved to grant planning permission for a new bridge and raised roadway to overcome the problems of flooding that periodically prevent access for commercial vehicles between the A168 and Dalton Industrial Estate. Planning permission was granted on 17 December 2015
- 1.2 Revisions are now proposed to the approved scheme to include a change to the priority at the Dalton Lane- Eldmire Lane junction so that the priority is given to vehicles between the A168 and the Industrial Estate, the road to Dalton becomes the minor road. The purpose of the change is to accommodate future traffic growth. To achieve this change in priorities the road is to sweep in an arc, the junction is moved south from its current position and involves the removal of a section of hedgerow and semi-mature woodland on the south side of Dalton Lane. The junction, Eldmire Lane and the sections of Dalton Lane to both Dalton and Topcliffe are moved about 40 metres south away from Dalton Bridge House.
- 1.3 Members will note that consultation periods have not yet expired. There is an expectation that the issues to be considered and consultee responses will be unchanged from the earlier application and to avoid delay to this strategically important project the case is presented to the Planning Committee at the earliest opportunity. If, following the Planning Committee meeting and before the end of the consultation period, new issues of significance arise that cannot be addressed by officers a further report will be prepared for a subsequent Planning Committee meeting. The remainder of this report has been prepared as an updated version of the report presented to the Committee in December 2015.
- 1.4 The present Dalton Bridge is a traditional sandstone bridge that crosses Cod Beck and provides the principal access to Dalton Industrial Estate (via Eldmire Lane) from the A168 and a means of accessing Dalton village beyond (via Dalton Lane). It is in a rural setting, mainly surrounded by farmland. During flood events, access across the bridge can be severed, which can have severe consequences for businesses operating from the Industrial Estate.
- 1.5 To prevent this occurring, the District Council now proposes to provide a new carriageway and bridge on a different alignment and with higher finished levels. The application site extends to 2.65 hectares and includes a section of carriageway to the west of the bridge, as well as space for a compound to the south off Eldmire Lane. The impetus for this comes from a recommendation in the Economic Study prepared for the Council by GVA in April 2014. Under the heading "growing the rural business base" the study recommended the Council to address access constraints relating to the existing bridge and flooding issues in respect of Dalton Industrial Estate.

- 1.6 The proposed bridge would be constructed to a modern engineering solution and would therefore be different in appearance to the existing low stone arched bridge. It is also proposed to raise the height of the proposed highway to a maximum of approximately 2.4m above the existing carriageway, in order to be above the predicted maximum flood level. The structure would essentially comprise structural steelwork with concrete superstructure, and with a steel guard rail on either side of the carriageway. Concrete buttresses would be added either side of the existing river channel, which would not be altered in any way. The bridge would have a span of 11.5m and a width of 12.4m, therefore being wide enough to allow unhindered two-way traffic to pass on a 7.3m road with verge width of about 2.5m. The new bridge would be located approximately 25m to the south of the current one.
- 1.7 A new section of carriageway would extend from the bend in Dalton Lane to the west, joining the new bridge at Cod Beck and continue to join Eldmire Lane. The new section of carriageway would be gradually built up on banking to reach the new higher surface level of the proposed bridge. This would involve the removal and subsequent reinstatement of a section of hedgerow, along with further tree planting.
- 1.8 One house, Dalton Bridge House, is sited nearby, approximately 40m from the existing bridge. The boundaries of this property comprise high hedgerow, with a number of trees dispersed throughout. This provides an effective screen at ground floor level but the new bridge would be visible from the upper floors of the property.

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

- 2.1 There is no relevant history associated with this site.

## **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 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 DP9 - Development outside Development Limits  
 Development Policies DP16 - Specific measures to assist the economy and employment  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework, March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Dalton Parish Council - No objection previously, comments on current application awaited.
- 4.2 NYCC Highways – Previously recommended conditions, comments on current application awaited.
- 4.3 Environment Agency – Previously recommended conditions, comments on current application awaited.
- 4.4 NYCC SuDS and Flood Risk Management – Note as the site lies within the district of the Swale and Ure Drainage Board, the proposals are to reduce Main River Flood Risk and drainage requirements are those of the highway, I can confirm that we are happy to defer to the opinion of the Swale and Ure Drainage Board, the Environment Agency and North Yorkshire County Council Highway Authority.
- 4.5 Ministry of Defence - No safeguarding objections previously, comments on current application awaited..
- 4.6 Swale and Ure Drainage Board - This project is subject to close cooperation between the applicant, the environment agency and the Board and I am satisfied that all required measures will be implemented to ensure no increase in flood risk or unsatisfactory interference with the Board's assets will be caused. I have no comments on planning grounds.
- 4.7 NYCC Planning Unit – no comments to make
- 4.8 Neighbours were notified of the scheme on 29 June 2016. A site notice was also posted at the site on 6 July 2016. No comments received, previously two responses were received from local residents supporting the scheme and making the following requests:
1. A solid fence along the length of the property to a height of 3 metres and an evergreen (western red cedar) hedge on the outside of this fence.
  2. Consultation on landscaping.
  3. Advice on how traffic noise will be limited so it is at least no worse than at present. It is suggested that a fence would help this.
  4. Advice on what safety measures/barriers will be put in place.
  5. Construction of a bund to give added protection to Dalton Bridge House.
  6. The following measures to minimise disturbance to Dalton Bridge House and the caravan park behind during construction: no weekend working; weekday working limited to 7am - 5pm; monitoring of noise levels; modern equipment including generators correctly silenced; piling/drilling to use the method which would cause the least disruption; adherence to the Considerate Contractor Scheme, including weekly liaison; and a flood defence solution that does not decrease the current flood protection to Dalton Bridge House.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues with the application are:
- The design of the bridge and road and their impact on local character
  - Flooding
  - Highway impact
  - Residential amenity
  - Ecology

- Economic impact

### Design and character

- 5.2 The stated aim of the proposed design is to provide a solution that maintains the character of the existing route. To achieve this, a single carriageway highway with grass verges, similar in design and character to the existing carriageway, is proposed. Nonetheless, the proposed bridge would change the character of the area by reason of its height, modern design, and the need to realign and raise the carriageway on a new embankment to pass over the new bridge, which would be some 2.4m higher than the existing stone bridge. However, the area is not subject to any landscape designations and there are no heritage assets in the vicinity, and the site is within view of the existing modern bridge spanning the A167 through Dalton. A Landscape and Visual Impact Assessment submitted with the application recommends that landscaping is planted around the new bridge in order to help screen the bridge and soften its impact over time. It is therefore considered that the new bridge would not, of itself, have any adverse visual impact. This remains the case in the revised alignment and following completion of the project the vehicles on the road and bridge would be further from Dalton Bridge House and the impacts would be correspondingly lower.
- 5.3 The carriageway realignment would also require the removal of a section of hawthorn hedgerow to the south of the existing highway. A greater amount would be required to be removed to achieve the change in priority at the junction. The hedge is proposed to be replanted once construction is completed. In this respect the works and replanting would therefore only have a negative impact in the short term and this impact would diminish as the new vegetation matures. As such, in the longer term it is considered that there would not be any significant adverse impact on the character of the area.
- 5.4 The loss of the existing bridge has also been taken into consideration. This structure is not considered to be a heritage asset in its own right and there are no heritage assets in its vicinity. Since the present bridge cannot be altered to alleviate the flooding issue, there is no option other than to demolish it and re-landscape the area in order to address the acknowledged access and flooding problems.

### Flooding

- 5.5 The application is accompanied by a Flood Risk Assessment (FRA), which was revised during the course of the previous application after consultation with the Environment Agency (EA). As design work has continued further amendments have been to the flood risk issues and the designers have state that they continue to liaise with the EA. Three additional factors that are set out in the addendum to the FRA and that will be modelled in due course are:
- The proposed bridge location will move slightly south of the preliminary design to accommodate the modified Eldmire Lane/Dalton Lane junction which lies outside the flood plain.
  - Some additional flood protection bunding is proposed on the west side of Dalton Lane close to its junction with the A167 to protect from the risk of surface water flooding.
  - A new field access is to be provided north of Dalton Lane at approximate chainage 225m.



- 5.6 The FRA has assessed the impact of the new bridge structure taking into account the historic flood issues caused by the existing low stone bridge. In order to assess this, a hydraulic model of the watercourses was developed and peak water levels and flood extents for the study area were predicted for a 1 in 1000 year return period event. The EA and the Internal Drainage Board were consulted throughout the assessment. The EA required that the proposed development should not increase flood risk, upstream or downstream of the Site. In summary the FRA concludes that the proposed development does not increase flood risk to Dalton Bridge House. Given that Dalton Bridge House lies on the periphery of the flood extents for the 1 in 100 year plus climate change and 1 in 1000 year event scenarios, and to account for any uncertainty in the assessment, the FRA recommends that a short length of bunding (approximately 25m), parallel to the eastern bank of the river, connecting the proposed road with the existing flood defence is considered as further mitigation at detailed design stage. The additional bunding was made the subject of a planning condition on 15/02403/FUL, it is anticipated that a longer section of additional bunding will be required to accommodate the changed bridge position. The proposed development impacts on the distribution of flood conveyance within the river channel and floodplain with all the flow being conveyed through the proposed bridge and Thacker Beck culvert. The impact diminishes with distance, both upstream and downstream, from the site. The FRA concludes that once the flood flows join the River Swale, the difference between the proposed and existing scenario is minor.

#### Highway impact

- 5.7 The proposal involves the realignment of the carriageway and an increase in the width of the river crossing which would fully allow two-way traffic without the burden of the 'give way' system operating over the current narrow bridge. This would improve the flow of traffic, especially HGVs accessing the nearby Dalton Industrial Estate, without causing undue impacts. The Highway Authority's formal comments are awaited and will be reported to the meeting.

#### Residential amenity

- 5.8 The chief issues to consider are the outlook from nearby dwellings to the new bridge and, whether it would lead to any increase in noise levels experienced by nearby residents.
- 5.9 It is considered that over time the new bridge will not have any adverse impact on the outlook from the closest property at Dalton Bridge House. This property already has extensive screening to the front (south) boundary comprising mature hedgerow, trees and fencing, and further trees are proposed as part of the landscape mitigation strategy. Landscaping is also proposed around the new bridge which would reduce its visual impact over time. Whilst the bridge would be higher than the existing carriageway, it would also be located further away from Dalton Bridge House, in this revised scheme the distance is increased more substantially and therefore on balance it is considered that there would not be any materially adverse impact.
- 5.10 In terms of noise impact it has been agreed with the Council's Environmental Health Officers that a Noise Impact Assessment was not required for the operational element of the proposal, the reasons being that the new bridge would be further away from the existing property; it will not increase traffic movements; and it will improve traffic flow (one way to two way), thus reducing acceleration and deceleration. The chief impacts of the proposal would come during the construction phase. However, the Noise Impact Assessment for this element of the scheme concludes that with best practice construction methods and mitigation, this would not be likely to have any undue impacts. The Council's Environmental Health Officer reviewed the information and concluded at the time of the previous application that there would be

no adverse impacts to residential amenity. The addendum to this scheme shows no reason for any greater impacts.

### Ecology

- 5.11 The main ecological impacts of the proposal would be upon the existing water course and hedgerow to the south of the existing carriageway. An ecological assessment has been carried out and submitted with the application. This has assessed the site for the presence of protected species as well as the impact upon habitat. No habitats or features of high value were recorded and the proposed scheme would not impact on any statutory or non-statutory designated wildlife sites. Habitats and structures within the proposed scheme extent were identified as having the potential to support several protected or notable species, including: bats within Dalton Bridge and mature trees though none were found during survey work; otter, water vole and white-clawed crayfish within watercourses and nesting birds.
- 5.12 The scheme does not include in-channel works to Cod Beck, though precautionary measures are proposed to prevent any adverse impacts upon native white crayfish. Previously noted and still true is the potential for the detailed design stage to produce alterations to the design of the bridge or the surrounding works, if these amendments were significant further detailed surveys could be required by condition.
- 5.13 The scheme requires the removal of the semi-mature plantation woodland to the south of Dalton Lane but compensatory planting is proposed and the amount of hedgerow removed is reduced in this revised scheme.
- 5.14 Enhancement opportunities are also proposed to improve the wildlife value of the new scheme, including the provision of roosting opportunities incorporated into the new bridge. An ecological report submitted with the application recommends that an otter pass is installed on the underside of the new bridge. The report also recommends that a mature poplar to the north of Dalton Bridge should be tested to see if it is a native black poplar specimen. The proposal does not include the removal of this tree but black poplar is recognised as a comparatively rare species in Hambleton and extra precautions should be taken if the tree is identified as such.

### Economic impacts

- 5.15 In terms of the economic impact of the new bridge, the key aspects to consider are the benefits that would be attained from the alleviation of flooding in the study area and the widening of the road at the point where it crosses the Cod Beck. The alleviation of flooding would give existing businesses in the Dalton Industrial Estate greater confidence to invest, and help attract new businesses to the site. This would help secure the existing 850 jobs there and could possibly create a further 1,050, with expansion into the Dalton Airfield as envisioned in the Core Strategy and Development Plan Document.
- 5.16 Similarly, the wider new bridge would improve the accessibility and with the addition of the changed junction priority can accommodate increased traffic flows whilst minimising congestion, and therefore the attractiveness, of the Dalton Industrial Estate which can only help in the retention and expansion of business and employment opportunities, as intended by the 2014 Economic Study.

## **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 14 June 2016 and shall include the completion of the mitigation measures detailed in Section 4 of the submitted flood risk assessment, including the provision of a short length of bunding to further protect Dalton Bridge House, unless otherwise approved in writing by the Local Planning Authority.
3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
4. 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.
5. 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. No works shall commence until the approved tree protection has been installed, which shall be retained as approved for the duration of the works.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
7. 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.
8. At all times construction shall be carried out in accordance with the details contained in the submitted document 'Dalton Lane Noise Assessment (Rev.1) September 2015' or any subsequent amending document that following submission in writing may be approved in writing by the Local Planning Authority.
9. No development shall commence until full details of the proposed compound, including any fencing, structures, buildings, fuel storage areas and laydown areas, have been submitted to the Local planning Authority and approved in writing.

10. The existing bridge shall not be demolished until the new road bridge is fully open and operational. Following opening of the new road bridge the site of the existing bridge and any carriageway removed shall be re-landscaped within the first available planting season following demolition, in accordance with details that have been submitted to the Local Planning Authority and approved in writing.
11. No hedgerows or trees shall be removed from the application site unless outside the official bird-nesting season for this location.
12. Prior to the commencement of any development at the site, a detailed ecological mitigation strategy shall be submitted to the Local Planning Authority and approved in writing. The mitigation strategy shall set out the detailed measures (including enhancements, as set out in the submitted Ecological Report 23/10/15 in support of application 15/02403/FUL) to safeguard and promote the protected species known to be present within the vicinity of the site, including bats, water voles, white-clawed crayfish, otter and nesting birds.
13. Following completion of the development the compound area shall be removed and within the first planting season following removal, the land shall be restored to its previous use and appearance, in accordance with a detailed landscape and restoration scheme to be submitted and approved in writing by the Local Planning Authority.
14. Prior to the commencement of any works on site, on site investigations shall be carried out to determine the exact species of the suspected Black Poplar tree, located on the edge of the grounds of Dalton Bridge House. Once identified, details of this shall be submitted to the Local Planning Authority along with any measures to ensure its protection during the course of the work programme as required by condition 5 above.
15. Dalton Lane and the proposed bridge will be elevated to a standard of protection of 1:100 years including an allowance for climate change.
16. The detailed design of the proposed scheme, in particular relating to the embankments and raised roadway, shall be submitted to and approved in writing before any development commences.  
This detailed design shall:
  - 1) Include details showing that the bridge over Cod Beck and Thacker Beck Culvert shall be appropriately sized such that they are capable of conveying all flood flows up to and including the 1:100 (plus an allowance for climate change) event, in this location, and such that the risk of a blockage is minimised.
  - 2) Provide an appropriate amount of compensatory floodwater storage to alleviate any increase in risk of flooding beyond that modelled at the application stage if the final detailed design exceeds the levels of flooding and extent of flooding shown in the modelling at the application stage
  - 3) Ensure that the design of the bridge and the resulting increase in flow conveyance in Cod Beck does not result in an increase in scour/erosion in Cod Beck, including details of appropriate protection where required.
17. No development shall take place until a Construction Method Statement and Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The statement shall provide for the following:
  - i) Working hours on site;
  - ii) The parking of vehicles of site operatives and visitors;
  - iii) Loading and unloading of plant and materials;
  - iv) Construction traffic management;

- v) The routing of HGV and other Construction related traffic to and from the site;
  - vi) Timing of deliveries and other construction related traffic to and from the site;
  - vii) A programme for the delivery of the works;
  - viii) Details and programme of all traffic management (temporary signs and controls) proposed;
  - ix) Details of construction accesses to be used during the building works.
  - x) Storage of plant and materials used in the construction of the development to avoid any potential ground contamination;
  - xi) The erection and maintenance of security hoarding where appropriate;
  - xii) Wheel washing facilities;
  - xiii) Measures to control the emission of dust and dirt during construction;
  - xiv) Measures to control noise and vibration during construction;
  - xv) Means of protection of trees and hedgerows during site preparation and construction;
  - xvi) A scheme for recycling/disposing of waste resulting from demolition, excavation and any other construction works.
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 in connection with the construction of the access road or building(s) or other works until:
- (i) The details of all planned highway works have been submitted to and approved in writing by the Local Planning Authority.
  - (ii) An independent Stage 2 Road Safety Audit has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
  - (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
19. 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 for the development, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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 and verges - visibility splays - the proposed levels - any accesses and driveways - drainage system - lining and signing - all types of surfacing 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 - 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. Full working drawings for any structures which affect or form part of the highway network
  - f. 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.

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 development is built in accordance with the approved plans and other details, in accordance with Local Development Framework particularly Policies CP1, CP2, CP3, CP12, CP16, CP17, and to protect the bridge from the impact of flooding and to ensure that the new bridge, once built, does not result in an increase in flood risk to others in accordance with Local Development Framework particularly Policies CP21.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
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. In order to protect the amenities of residential property in the locality.
7. In accordance with Policy CP1, DP1, CP2, DP3 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In the interests of the amenities of residents, in accordance with policy DP1 of the Development Policies DPD.
9. In order to safeguard the amenities of the area and in the interests of environmental quality, in accordance with policies CP1 and DP1 of the Core Strategy and Development Policies DPD.
10. In order to ensure adequate access is maintained across Cod Beck and in the interests of visual amenity, in accordance with policies CP1, CP2, DP1, DP3 and DP25 of the Core Strategy and Development Policies DPD.
11. In order to protect the nesting sites of birds, in accordance with European Legislation and the National Planning Policy Framework 2012.
12. In order to protect and promote the habitat of protected species, in accordance with European Legislation and the National Planning Policy Framework 2012 and in accordance with the Local Development Framework Policies CP16 and DP31.
13. In the interests of visual amenity in accordance with Policies CP1 and DP1 of the Core Strategy and Development policies DPD.
14. In the interests of amenity and to safeguard the health and vitality of this potential Black Poplar tree, an important species in the local Biodiversity Action Plan.
15. To reduce the risk and impact of flooding to the proposed development in accordance with the NPPF and the Local Development Framework Policies CP21 and DP43.

16. To reduce the risk of flooding to the proposed development and to ensure that it does not result in flood flows being pushed onto others in accordance with the Local Development Framework Policies CP21 and DP43.
17. In order 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 the Local Development Framework Policies CP1, DP1, CP17 and DP32.
18. In order 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 the Local Development Framework Policies CP1, DP1, CP17 and DP32.
19. In order 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 the Local Development Framework Policies CP1, DP1, CP17 and DP32.

*Attention is drawn to the following informatives:-*

1. Should any material alterations be required following the detailed design stage of the new bridge, road and any associated structures or earthworks, you should contact the Local Planning Authority to determine whether any resubmission of details is required or, whether any further survey works will be required on site in order to ensure protected species suspected to inhabit the site and surrounding area, are safeguarded.
2. Environment Agency Main River Consent – advice. The formal consent of the Environment Agency (under the Water Resources Act 1991) will be required for any works in, over, under, or within 8m of the top of bank of Cod Beck which is classified as a 'main' river.
3. The requested communications strategy should identify and set out a means to notify local residents and businesses, NYCC coms unit, elected members etc. who should be informed to maximise opportunities for positive outcomes for works which have a significant impact. The information should include the following:
  1. Context/ Project Background
  2. This project aims
  3. Indicative programmes
  4. Project Management Team, including the names, role and contact details of prominent staff on site
  5. Contractor Details
  6. Communication objectives - the objectives of which is to ensure that the project's key milestones, programme development and implementation proposals are communicated to stakeholders, local members, local businesses and residents effectively. It is vital that updates and messages are consistent from all relevant parties.
  7. Communication Proposals
  8. Progress meetings, including their frequency, as well as notes and sanctions to be completed.

Stakeholders: The list of stakeholders will include the following as necessary:  
 NYCC County Councillors  
 Local Businesses  
 Local Residents  
 Town / Parish Councils  
 MOD

LEP Passenger Transport,  
NYCC Area Office Programming team  
North Yorkshire County Council- Customer Services Unit  
Emergency Services  
Local Schools  
Local Business Associations  
Bridleway Association representative  
Sustrans  
Local Cycling group  
Local Access Forum  
Other local interests identified

#### Implementation/ Construction Phase

The implementation will follow NYCC's Transport and Development Management S278 process.

Communication re commencement of works and necessary diversions/ road closures.

Stakeholders (on the above list) will be informed of the programme of diversions and closures at least 2 weeks before.

All parties should be informed of the need and potential timescale of road closures as part of the engagement exercise.

#### 2- Progress meetings

Weekly Reports on the progress to date and planned work for the following week. Where possible photos should also be provided.



**Parish: Winton, Stank & Hallikeld**  
Ward: Osmotherley & Swainby  
**18**

Committee Date : 21 July 2016  
Officer dealing : Mrs B Robinson  
Target Date: 2 August 2016  
Date of extension of time (if agreed):

**16/01286/FUL**

**Proposed construction of extension to existing agricultural building for the accommodation of pigs (relocated from elsewhere on site - no increase in pig numbers). at Hallikeld Farm Long Lane Brompton North Yorkshire for Mr & Mrs D Sanderson.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is part of a farm approximately 2km east of Brompton, and is accessed by a track from Long Lane. The farm includes a number of mainly modern agricultural shed-style buildings, extending eastwards from the original farm house. Immediately to the north of the site, the neighbouring buildings are in use as a muck store and straw storage respectively.
- 1.2 The land rises upwards gently from west to east, and to the south east. There is a public footpath running west-east along the opposite bank of a beck, located approximately 120 metres to the north. The nearest protected dwelling is Hallikeld House, 410 metres south west of the proposed site.
- 1.3 The proposal is extension of a pig rearing building, Dimensions 22 x 28, max height 7.3 metres. The building materials are Yorkshire boarding to walls and it has been confirmed that the roof material will be anthracite fibre cement. The building is for pig housing. Additional information submitted states that is intended that the proposed building be used for pigs, in conjunction with the existing buildings to the north. Access to the site is via an existing track on the north side of the existing buildings.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 2/94/175/0014A - Construction of an agricultural building for the accommodation of livestock and for storage purposes; Granted 1994.
- 2.2 2/97/175/0014B - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council on 25th June 1997; Granted 1997.
- 2.3 2/97/175/0014C - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council 25th June 1997; Granted 1997.
- 2.4 2/97/175/0014D - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council on 25th June 1997; Granted 1997.
- 2.5 13/00166/APN - Application for Prior Notification for the construction of a building to provide cover over a muck heap to prevent water contamination. Granted 22.02.2013
- 2.6 13/00866/FUL - Retrospective application for the construction of an agricultural building to cover existing muck pad. Granted 20.06.2013

## **3.0 RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP26 - Agricultural issues  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - expiry 11.6.2016
- 4.2 Neighbours and site notice - last expiry 12.07.2016
- 4.3 Environment Agency - Advice to applicant about regulations.
- 4.4 NYCC Highways - No objections.
- 4.5 Environmental Health - No objections.

#### **5.0 OBSERVATIONS**

- 5.1 The building is proposed for a recognised agricultural purpose and thus is acceptable in principle under policy CP4, which allows necessary agricultural development outside Development Limits. The issues to be considered therefore are the design and suitability for the purpose (CP17/DP32), location (CP15/DP26 and CP16/DP30) and any effects on the amenities of nearby occupiers (CP1/DP1).
- 5.2 The simple style of shed is suitable for the purpose required and is in keeping with other modern agricultural buildings in the general area, and existing buildings on this farm. The external timber materials will help the building blend into the wider surroundings.
- 5.3 The building is positioned close to the existing farm range and is therefore not an isolated feature. Due to the lie of the land and the existing field hedges, it does not harm the open character of the countryside. It is visible from the nearby public footpath to the north, but in the context of the existing buildings it is a feature appropriate to the rural surroundings, and would not appear harmful to the enjoyment of the countryside by users of the public footpath to the north.
- 5.4 The nearest dwelling to the farm, Hallikeld House, is approximately 410m away, which is slightly over the distance recommended as providing protection from amenity issues arising from livestock. Particularly taking into account the existing use of the site for pigs, and the confirmation that no additional numbers of pigs are proposed, the new building will not have any significant harmful effect on the amenities currently enjoyed by occupiers at Hallikeld House.

#### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **Granted**, subject to the conditions set out below.
  - 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 AJC0001, AJC0002 and

additional information received by Hambleton District Council on 2 June 2016 and 29th June 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

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

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